

REVISED ORDINANCES,
CITY OF GALESBURG

1883

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REVISED ORDINANCES

OF THE

CITY OF GALESBURG

COMPRISING THE

CHARTERS AND AMENDMENTS,

THE

State Laws Relating to the Government of Cities,

AND THE

ORDINANCES OF THE CITY COUNCIL.

CODIFIED AND REVISED BY

F. A. WILLOUGHBY AND G. A. LAWRENCE.

GALESBURG, ILLINOIS:

PUBLISHED BY ORDER OF THE CITY COUNCIL.

1883

YOUNG
PRINTING & LITHOGRAPH
CO.
John

PRINTED BY THE
GALESBURG PRINTING COMPANY.
Galesburg, Illinois.

PREFACE.

GALESBURG, one of the most beautiful inland cities in the West, situated in the midst of a fertile agricultural region, was founded by Rev. Geo. W. Gale, D.D., in the Spring of 1837.

The idea which gave birth to this "gem of the prairie" was to found in the West a Christian college which should provide for the youth a liberal course of learning, and, while assisting students to an education, teach them the dignity and value of, and practical skill in, manual labor.

The progress of the little village thus founded in the inspiration of a benevolent idea, and fostered by the energies of enterprising and industrious men, was steady and permanent; and the settlement, which afterwards became the "College City," soon acquired an enviable reputation as an educational centre. In 1854 the advent into the town of the railroad which to-day stretches its arms of steel to the four points of the compass, gave the spur to commercial activity, and by suddenly increasing the population, hastened the growth of the village, which, in 1857 was incorporated as a city. The special charter granted at this time remained in force until July, 1876, when the city organized under the General Incorporation Act.

Public improvements now claimed special attention and progressed steadily in the construction of sewers, pavements and water mains. It has been during the past few years the policy of the city government, while gradually reducing the public debt (which now amounts to a merely nominal sum), and keeping taxes at a low figure, to expend each year a portion of the public money in such improvements as are in keeping with the growth of the city—in a word, to exercise in its expenditures "a wise economy and judicious liberality."

The educational institutions of the city of Galesburg are justly the pride of its citizens. Knox Collège, whose founding is coeval with the birth of the city, with spacious grounds and ample buildings located in the centre of the city, under the presidency of Hon. Newton Bateman, LL.D., with a faculty, seventeen in number, has acquired a reputation for thoroughness and high culture, second to none in the West. Knox Female Seminary, a part and under the supervision of Knox College, is a flourishing institution.

Lombard University, chartered in 1851, situated about one mile from the centre of the city has a fine brick building, handsome grounds, well ordered equipments, and with a Universalist Theological Department attached, takes rank with the best colleges in the Northwest.

St. Joseph's Catholic Academy and Boarding School founded in 1880, is in charge of the Sisters of Providence; has a large brick building pleasantly located, capable of accommodating six hundred pupils; and with a faculty of ten teachers combines the usual excellencies of institutions of this character.

The advantages for a thorough commercial education, afforded by "The Western Business College," are excelled nowhere. J. M. Martin & Bro., proprietors, ever on the alert to introduce improved methods of practical business training, and keep abreast of the times, have secured the confidence of the public and gained for their institution a high reputation.

The private institution of Prof. E. D. Bangs is deservedly taking high rank as a popular school of specialties.

In the "nation's safeguard," the common school, this city stands pre-eminent. A high school building of imposing architectural design, five substantially built brick ward schools, and a frame building, constructed at an aggregate cost of \$125,000, furnish ample accommodations. These schools, properly graded, and ably taught, have, under the superintendence of M. Andrews, A. M., secured more than a local influence and are not unworthy the fame of the "College City" as an educational center.

A valuable auxiliary of the public school, and one of the most honorable evidences of public taste and refinement, is the Free Public Library and Reading Room. It is reported second in size

in the State, carrying upon its list eleven thousand volumes and supplying the reading public with the principle news journals and periodicals of the United States. It is no longer an experiment, but holds a permanent place as a public municipal institution, and receives, as it deserves, the generous support of the community.

The streets are mainly lighted by gas manufactured by the Galesburg Gaslight and Coke Company; one private and two National banks furnish the needed banking facilities; three papers supply the current news; while the business of the post-office having reached the required amount, hastened by the rapidly increasing postal transactions of the Covenant Mutual Benefit Association, has led to the establishment in the city of Free Postal Delivery.

The recent construction of the Fulton County Narrow Gauge Railroad, through a tract of country rich in coal fields and agriculture, furnishes a competing line to the seaboard and bids fair with our other railroad facilities to further develop the already flourishing manufacturing interests of the city. Chief among such interests, at present, are Geo. W. Brown & Co's. (Incorporated) Corn Planter Works, the largest of the kind in the world, with a paid up capital of \$300,000 and a surplus of \$150,000, in which are employed over 300 men, and whose monthly pay-roll amounts to about \$15,000, working up annually 1,000 tons of iron castings, 700 tons of bar iron and steel, 40 tons of paints and oils, 1,000,000 feet of lumber, 3,000 tons of coal, 750 tons of grindstones and other miscellaneous material, completing about 17,000 different machines, including planters, stalk cutters, plow sulkies, cultivators and check-rowers; the "Frost Manufacturing Company" with a paid up capital of \$80,000, employing about 60 workmen in the manufacture of steam engines and general machinery; G. D. Colton & Co's. Novelty Works, with a capital of \$50,000 and 40 workmen turning out castings and machinery; the broom factory of A. Boyer, in which are annually manufactured upwards of 9,000 dozen brooms; the windmill factory of May Bros., being one of the largest in the State; and last but not least, the large agricultural warehouse of Avery Bros. & Brooks—being a branch of the planter works of Avery Bros.

The shops of the Chicago, Burlington & Quincy Railroad Company, the stock yards, and the multitude of minor interests which it is impossible to detail, furnish labor for an army of men, and contribute largely to the support of the business interests of the city.

The smallest police force, in proportion to population, in the State, preserves peace and good order, and an efficient paid fire department protects the property of the citizens.

In churches, responsible business houses, good hotels, public halls, societies, and all that go to make a well ordered and enterprising place, this city is unexcelled.

In a word the city of Galesburg possesses unusual advantages. The center of a network of railroads leading in various directions, surrounded by coal fields, the facilities for transportation, cheapness of fuel, and the fertility of agricultural surroundings offer great inducements to capitalists and manufacturers; healthfulness of climate, broad and shaded thoroughfares and beautiful parks and grounds make it a desirable place of residence; while churches, colleges and schools entitle it to be called the "Athens of Illinois."

CITY OFFICERS.

1857.

Mayor—Henry R. Sanderson.

Aldermen—J. H. Sherman, Edwin Post, James F. Dunn, J. W. Cothren, Marcus Belden, E. M. Jordan.

Clerk—O. S. Pitcher.

Treasurer—A. M. Phelps.

Marshal—Fred. P. Sisson.

Attorney—O. S. Pitcher.

Assessor—David Sanborn.

Street Com'r—John Burlingham.

1858.

Mayor—Samuel W. Brown.

Aldermen—Elisha C. Field, Edwin Post, Jacob D. Hand, J. W. Cothren, E. R. Adams, E. M. Jordan.

Clerk—William A. Wood.

Treasurer—George Davis.

Marshal—Timothy Walker.

Attorney—S. A. Kingsbery.

Assessor—David Sanborn.

Street Com'r—Lyman Arnold.

1859.

Mayor—John C. Stewart.

Aldermen—Elisha C. Field, George I. Bergen, Jacob D. Hand, Reuben Heflin, E. R. Adams, Clark E. Carr.

Clerk—Wm. A. Wood.

Treasurer—George Davis.

Marshal—Henry Moore.

Attorney—William Andrews.

Assessor—David Sanborn.

Street Com'r—Lyman Arnold.

1860.

Mayor—James F. Dunn.

Aldermen—Walter Brinkerhoff, George I. Bergen, Henry S. Hurd, Reuben Heflin, Loyal C. Field, Clark E. Carr.

Clerk—Wm. A. Wood.

Treasurer—Benj. F. Holcomb.

Marshal—Henry Moore.

Attorney—William Andrews.

Assessor—John F. Edgerton.

Street Com'r—P. L. Hawkinson.

1861.

Mayor—Alfred Knowles.

Aldermen—J. R. Gordon, Wm. Penn Frailey, Henry S. Hurd, S. S. Cheeney, Loyal C. Field, Job Swift.

Clerk—Wm. A. Wood.

Treasurer—Benj. F. Holcomb.

Marshal—Henry Moore.

Attorney—M. L. Knight.

Assessor—John F. Edgerton.

Street Com'r—P. L. Hawkinson.

1862.

Mayor—Albert Reed.

Aldermen—Josias Grant, Wm. Penn Frailey, Henry S. Hurd, S. S. Cheeney, Timothy Nash, Job Swift.

Clerk—Wm. A. Wood.

Treasurer—Isaac Delano.

Marshal—George Ekins.

Attorney—J. B. Boggs.

Assessor—David Sanborn.

Street Com'r—P. L. Hawkinson.

1863.

Mayor—James F. Dunn.

Aldermen—Timothy Moshier, Peter Schoberg, H. S. Hurd, Lauren C. Conger, Timothy Nash, Warren S. Bellows.

Clerk—Wm. A. Wood.

Treasurer—Isaac Delano.

Marshal—George Ekins.

Attorney—William Andrews.

Assessor—John F. Edgerton.

Street Com'r—Patrick Chaplan.

1864.

Mayor—John A. Marshall.

Aldermen—Elisha C. Field, Frederick P. Sisson, Warren C. Willard, S. S. Cheeney, James Larkin, Warren S. Bellows.

Clerk—Wm. A. Wood.

Treasurer—Isaac Delano.

Marshal—H. H. Willsie.

Attorney—William Andrews.

Assessor—Geo. Ekins.

Street Com'r—Patrick Chaplan.

1865.

Mayor—John A. Marshall.

Aldermen—Elisha C. Field, George I. Bergen, Warren C. Willard, L. E. Conger, James Larkin, Loyal C. Field.

Clerk—Wm. A. Wood.

Treasurer—Isaac Delano.

Marshal—James McC. Lee.

Attorney—J. B. Boggs.

Assessor—Geo. Ekins.

Street Com'r—Lewis Bergland.

1866.

Mayor—John A. Marshall.*Aldermen*—Marcus Belden, George I. Bergen, Warren C. Willard, L. E. Conger, Timothy Nash, Loyal C. Field.*Clerk*—Wm. A. Wood.*Treasurer*—Isaac Delano.*Marshal*—G. A. Marsh.*Attorney*—J. B. Boggs.*Assessor*—Geo. Ekins.*Street Com'r*—Lewis Bergland.

1867.

Mayor—Charles P. West.*Aldermen*—Marcus Belden, John Peterson, Warren C. Willard, B. F. Arnold, Timothy Nash, George Churchill.*Clerk*—Wm. A. Wood.*Treasurer*—Isaac Delano.*Marshal*—G. A. Marsh.*Attorney*—J. B. Boggs.*Assessor*—Geo. Ekins.*Street Com'r*—D. A. Dudley.*Overseer of Poor*—Levi S. Stanley.

1868.

Mayor—Edwin Post.*Aldermen*—Marcus Belden, John Peterson, Alfred Kitchell, B. F. Arnold, Timothy Nash, George Churchill.*Clerk*—Solomon F. Flint.*Treasurer*—Robert Colville.*Marshal*—H. H. Willsie.*Attorney*—J. B. Boggs.*Assessor*—Geo. Ekins.*Street Com'r*—D. A. Dudley.*Overseer of Poor*—Levi S. Stanley.

1869.

Mayor—Edwin Post.*Aldermen*—Marcus Belden, Andrew S. Hoover, Alfred Kitchell, James W. Cothren, Timothy Nash, George Churchill.*Clerk*—Solomon F. Flint.*Treasurer*—Robert Colville.*Marshal*—H. H. Willsie.*Attorney*—J. B. Boggs.*Assessor*—Geo. Ekins.*Street Com'r*—J. McC. Lee.*Overseer of Poor*—Franklin Ogden.

1870.

Mayor—Marcus Belden.

Aldermen—M. E. Fuller, A. S. Hoover, Q. F. Price, J. W. Cothren, J. P. Chapman, Sam. Hitchcock, James Cleary.

Clerk—Solomon F. Flint.

Treasurer—Robert Colville.

Marshal—H. H. Willsie.

Attorney—F. M. Grant.

Assessor—Geo. Ekins.

Street Com'r—J. McC. Lee.

Overseer of Poor—Franklin Ogden.

1871.

Mayor—Timothy Nash.

Aldermen—M. E. Fuller, Geo. H. Smith, Edwin Knowles, B. F. Arnold, J. P. Chapman, Sam. Hitchcock, James Cleary.

Clerk—Solomon F. Flint.

Treasurer—Nels Nelson.

Marshal—Robt. N. Pollock.

Attorney—M. M. Clark.

Assessor—Geo. Ekins.

Street Com'r—J. McC. Lee.

Overseer of Poor—Geo. H. Kingsbery.

1872.

Mayor—Loyal C. Field.

Aldermen—H. R. Sanderson, Geo. H. Smith, Wm. S. Gale, B. F. Arnold, D. T. Dickson, John W. Boyd, Jas. Cleary.

Clerk—Solomon F. Flint.

Treasurer—Nels Nelson.

Marshal—Robt. N. Pollock.

Attorney—W. C. Calkins.

Assessor—Geo. Ekins.

Street Com'r—Joshua Drake.

Overseer of Poor—Geo. H. Kingsbery.

1873.

Mayor—O. T. Johnson.

Aldermen—H. R. Sanderson, C. C. Merrill, Wm. S. Gale, B. F. Arnold, D. T. Dickson, John W. Boyd, Jas. Cleary.

Clerk—Solomon F. Flint.

Treasurer—Nels Nelson.

Marshal—Jas. L. Wertz.

Attorney—D. H. Clarke.

Assessor—Geo. Ekins.

Street Com'r—A. J. Gillette.

Overseer of Poor—Geo. H. Kingsbery.

1874.

Mayor—O. T. Johnson.

Aldermen—H. R. Sanderson, C. C. Merrill, Wm. S. Gale, B. F. Arnold, Timothy Nash, John W. Boyd, Jas. Larkin.

Clerk—Solomon F. Flint. *Treasurer*—Nels Nelson.
Marshal—Jas. L. Wertz. *Attorney*—E. P. Williams.
Assessor—Geo. Ekins. *Street Com'r*—A. J. Gillette.
Overseer of Poor—Geo. H. Kingsbery.

1875.

Mayor—James H. Calkins.

Aldermen—H. R. Sanderson, Luther Becker, Wm. S. Gale, B. F. Arnold, Timothy Nash, John W. Dieterich, James Larkin.

Clerk—Solomon F. Flint. *Attorney*—E. P. Williams.
Treasurer—Nels Nelson. *Assessor*—Geo. Ekins.
Marshal—Frank E. Fowler. *Street Sup't*—A. J. Gillette.
Overseer of Poor—Geo. H. Kingsbery.

1876.

Mayor—George W. Brown.

Aldermen—H. R. Sanderson, Luther Becker, Wm. S. Gale, B. F. Arnold, Timothy Nash, John W. Dieterich, James Larkin.

Clerk—Solomon F. Flint. *Attorney*—F. A. Willoughby.
Treasurer—D. T. Dickson. *Assessor*—Geo. Ekins.
Marshal—Frank E. Fowler. *Street Sup't*—M. Hustin.
Overseer of Poor—Geo. H. Kingsbery.

1877.

Mayor—John C. Stewart.

Aldermen—H. R. Sanderson, John Edwards, Geo. W. Barnett, D. M. Morse, Wm. S. Gale, John Becker, A. F. Brulin, T. F. Hamblin, Jas. A. McKenzie, P. J. Brown, R. W. Hunt, Chas. E. Grant, M. G. Kennedy, Chas. Selk.

Clerk—Wm. A. Ryan. *Attorney*—F. C. Smith.
Treasurer—D. T. Dickson. *Assessor*—Geo. Ekins.
Marshal—Frank E. Fowler. *Street Sup't*—W. W. Patch.
Overseer of Poor—Geo. H. Kingsbery.

1878.

Mayor—John C. Stewart.

Aldermen—H. R. Sanderson, John Edwards, Geo. W. Barnett, D. M. Morse, Wm. S. Gale, John Becker, B. F. Arnold, Geo. L. Arnold, James A. McKenzie, P. J. Brown, R. W. Hunt, Chas. E. Grant, M. G. Kennedy, Chas. Selk.

Clerk—Wm. A. Ryan.*Attorney*—F. C. Smith.*Treasurer*—D. T. Dickson.*Assessor*—Geo. Ekins.*Marshal*—T. F. Hamblin.*Street Sup't*—W. W. Patch.*Overseer of Poor*—Geo. H. Kingsbery.

1879.

Mayor—David Greenleaf.

Aldermen—J. C. Williams, John Edwards, D. M. Morse, Geo. W. Barnett, W. S. Gale, J. B. Boggs, G. L. Arnold, B. F. Arnold, P. J. Brown, A. J. Perry, C. E. Grant, R. W. Hunt, M. G. Kennedy, W. C. Murphy.

Clerk—W. A. Ryan.*Attorney*—E. H. Leach.*Treasurer*—M. W. Chittenden.*Assessor*—Geo. Ekins.*Marshal*—H. H. Willsie.*Street Sup't*—W. P. Sisson.*Overseer of Poor*—Geo. H. Kingsbery.

1880.

Mayor—David Greenleaf.

Aldermen—J. C. Williams, John Edwards, D. M. Morse, Asa A. Matteson, W. S. Gale, J. B. Boggs, G. L. Arnold, J. C. Hollis, P. J. Brown, A. J. Perry, Jas. H. Linsley, R. W. Hunt, M. G. Kennedy, W. C. Murphy.

Clerk—W. A. Ryan.*Attorney*—E. H. Leach.*Treasurer*—M. W. Chittenden.*Assessor*—Geo. Ekins.*Marshal*—Edward Morrissey.*Street Sup't*—W. P. Sisson.*Overseer of Poor*—Geo. H. Kingsbery.

1881.

Mayor—B. F. Arnold.

Aldermen—Max J. Mack, John Edwards, E. F. Phelps, Asa A. Matteson, W. S. Gale, J. B. Boggs, M. S. Smalley, J. C. Hollis, P. J. Brown, E. P. Williams, Jas. H. Linsley, R. W. Hunt, M. G. Kennedy, Joshua Drake.

Clerk—W. A. Ryan.

Attorney—Geo. W. Prince.

Treasurer—Jas. M. Colville.

Assessor—Geo. Ekins.

Marshal—H. W. Cowman.

Street Sup't—Timothy Nash.

Overseer of Poor—Geo. H. Kingsbery.

1882.

Mayor—B. F. Arnold.

Aldermen—Max J. Mack, Geo. W. Thompson, E. F. Phelps, A. G. Anderson, J. B. Boggs, T. W. Rogers, A. G. Humphrey, W. O. Brooks, E. P. Williams, G. A. Marsh, R. W. Hunt, Jas. H. Linsley, Joshua Drake, M. G. Kennedy.

Clerk—W. A. Ryan.

Attorney—Geo. W. Prince.

Treasurer—Jas. M. Colville.

Assessor—Geo. Ekins.

Marshal—H. W. Cowman.

Street Sup't—Timothy Nash.

Overseer of Poor—Geo. H. Kingsbery.

Commissioner of Health—Geo. W. Foote.

BOARD OF EDUCATION.

1861.

President—A. Knowles. *Clerk*—W. A. Wood.

Directors—C. S. Colton, Edwin Post, David Sanborn, Geo. H. Ward, Clement Leach, Jr., R. P. Sage.

Principal—R. B. Guild.

1862.

President—A. Reed. *Clerk*—W. A. Wood.

Directors—C. S. Colton, Edwin Post, David Sanborn, Geo. H. Ward, I. N. Candee, R. P. Sage.

Superintendent—J. B. Roberts.

1863.

President—J. F. Dunn. *Clerk*—W. A. Wood.

Directors—C. S. Colton, Edwin Post, David Sanborn, Geo. H. Ward, I. N. Candee, Geo. Churchill.

Superintendent—J. B. Roberts.

1864.

President—John Marshall. *Clerk*—W. A. Wood.

Directors—J. V. N. Standish, Albert Reed, David Sanborn, Geo. H. Ward, I. N. Candee, Geo. Churchill.

Superintendent—J. B. Roberts.

1865.

President—John Marshall. *Clerk*—W. A. Wood.

Directors—J. V. N. Standish, Albert Reed, David Sanborn, Geo. H. Ward, I. N. Candee, Geo. Churchill.

Superintendent—J. B. Roberts.

1866.

President—John Marshall. *Clerk*—W. A. Wood.

Directors—J. V. N. Standish, Albert Reed, Wm. E. Dunn, Geo. H. Ward, I. N. Candee, Geo. Churchill.

Superintendent—J. B. Roberts.

1867.

President—C. P. West. *Clerk*—W. A. Wood.

Directors—H. R. Sanderson, Alfred Knowles, Wm. E. Dunn, Geo. H. Ward, I. N. Candee, Geo. Churchill.

Superintendent—J. B. Roberts.

1868.

President—Edwin Post. *Clerk*—S. F. Flint.

Directors—H. R. Sanderson, Alfred Knowles, Wm. E. Dunn, B. F. Stanley, E. P. Williams, Geo. Churchill.

Superintendent—J. B. Roberts.

1869.

President—Edwin Post. *Clerk*—S. F. Flint.

Directors—H. R. Sanderson, Alfred Knowles, John C. Stewart, B. F. Stanley, E. P. Williams, Geo. Churchill.

Superintendent—J. B. Roberts.

1870.

President—Marcus Belden. *Clerk*—S. F. Flint.

Directors—Geo. W. Brown, H. M. Hale, John C. Stewart, B. F. Stanley, M. D. Cooke, Geo. Churchill, H. D. Burlingham.

Superintendent—J. B. Roberts.

1871.

President—Timothy Nash. *Clerk*—S. F. Flint.

Directors—Geo. W. Brown, H. M. Hale, John C. Stewart, B. F. Stanley, M. D. Cooke, Geo. Churchill, A. H. Huntington.

Superintendent—J. B. Roberts.

1872.

President—L. C. Field. *Clerk*—S. F. Flint.

Directors—Geo. Churchill, H. M. Hale, John McFarland, B. F. Stanley, M. D. Cooke, F. A. Willoughby, A. H. Huntington.

Superintendent—J. B. Roberts.

1873.

President—O. T. Johnson. *Clerk*—S. F. Flint.

Directors—S. J. Parry, Alfred Knowles, John McFarland, B. F. Stanley, M. D. Cooke, F. A. Willoughby, C. Leach, Jr.

Superintendent—J. B. Roberts.

1874.

President—O. T. Johnson. *Clerk*—S. F. Flint.

Directors—S. J. Parry, Alfred Knowles, John McFarland, G. L. Arnold, M. D. Cooke, F. A. Willoughby, C. Leach, Jr.

Superintendent—J. B. Roberts.

1875.

President—J. H. Calkins. *Clerk*—S. F. Flint.

Directors—S. J. Parry, Alfred Knowles, C. E. Lanstrum, G. L. Arnold, M. D. Cooke, R. W. Hunt, C. Leach, Jr.

Superintendent—M. Andrews.

1876.

President—Geo. W. Brown. *Clerk*—S. F. Flint.

Directors—Geo. W. Foote, J. P. Cook, C. E. Lanstrum, G. L. Arnold, M. D. Cooke, R. W. Hunt, T. L. Clark.

Superintendent—M. Andrews.

1877.

President—John C. Stewart. *Clerk*—W. A. Ryan.

Directors—Geo. W. Foote, J. P. Cook, C. E. Lanstrum, G. L. Arnold, W. C. Calkins, R. W. Hunt, T. L. Clark.

Superintendent—M. Andrews.

1878.

President—John C. Stewart. *Clerk*—W. A. Ryan.

Directors—Geo. W. Foote, Nels Nelson, Geo. A. Murdoch, G. L. Arnold, W. C. Calkins, L. T. Stone, T. L. Clark.

Superintendent—M. Andrews.

1879.

President—D. Greenleaf. *Clerk*—W. A. Ryan.

Directors—S. J. Parry, Nels Nelson, Geo. A. Murdoch, G. L. Arnold, W. C. Calkins, L. T. Stone, H. W. Belden.

Superintendent—M. Andrews.

1880.

President—D. Greenleaf. *Clerk*—W. A. Ryan.

Directors—S. J. Parry, Nels Nelson, Geo. A. Murdoch, G. L. Arnold, W. C. Calkins, L. T. Stone, H. W. Belden.

Superintendent—M. Andrews.

1881.

President—B. F. Arnold. *Clerk*—W. A. Ryan.

Directors—S. J. Parry, Nels Nelson, Geo. A. Murdoch, G. L. Arnold, W. C. Calkins, L. T. Stone, H. W. Belden.

Superintendent—M. Andrews.

1882.

President—B. F. Arnold. *Clerk*—W. A. Ryan.

Directors—S. J. Parry, P. F. Brown, Geo. A. Murdoch, G. L. Arnold, W. C. Calkins, L. T. Stone, R. W. Colville.

Superintendent—M. Andrews.

ORIGINAL SPECIAL CHARTER

OF THE

CITY OF GALESBURG.

NOTE.—This Charter, so far as it is inconsistent with “an Act to provide for the Incorporation of Cities and Villages,” approved April 10th, 1872, and commonly known as the “General Charter,” is no longer in force, the city having, July 17th, 1876, adopted such “General Charter.”

An Act to Incorporate the City of Galesburg. Approved February 14, 1857.

ARTICLE FIRST—BOUNDARIES, GENERAL POWERS AND WARDS.

ARTICLE SECOND—OFFICERS—THEIR ELECTION AND APPOINTMENT.

ARTICLE THIRD—ELECTIONS.

ARTICLE FOURTH—POWERS AND DUTIES OF OFFICERS.

ARTICLE FIFTH—THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

ARTICLE SIXTH—TAXATION.

ARTICLE SEVENTH—ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

ARTICLE EIGHTH—PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

ARTICLE NINTH—COLLECTION OF TAXES AND ASSESSMENTS.

ARTICLE TENTH—FIRE DEPARTMENT.

ARTICLE ELEVENTH—BOARD OF HEALTH.

ARTICLE TWELFTH—MISCELLANEOUS PROVISIONS.

ARTICLE FIRST.

BOUNDARIES, GENERAL POWERS AND WARDS.

Section.

1. Territory erected into the City of Galesburg.
2. General powers of the Corporation.

Section.

3. Wards, boundaries of; power to create additional wards.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all the district of country in the County of Knox, and State of Illinois, consisting of the tracts of land known as the west half of the southwest quarter of section one, the south half of section two, the south*

half of section three, the southeast quarter and east half of the southwest quarter of section four, and the east half of the northwest quarter and the east half of the southwest quarter of section nine, the east half of section nine, sections ten and eleven, the west half of the northwest quarter and the west half of the southwest quarter of section twelve, the west half of the northwest quarter and the west [half] of the southwest quarter of section thirteen, sections fourteen and fifteen, the east half of section sixteen, the east half of the northwest quarter and the east half of the southwest quarter of section sixteen, the east half of the northwest quarter of section twenty-one, the northeast quarter of section twenty-one, the north half of section twenty-two, the north half of [section] twenty-three, and the west half of the northwest quarter of section twenty-four, in township eleven (11) north, one (1) east, is hereby erected into a city, by the name of "The City of Galesburg."

§ 2. The inhabitants of said city shall be a corporation, by the name of "The City of Galesburg," and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court; may make and use a common seal, and alter and change it at pleasure; may take, hold, and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same for the benefit of the city.

§ 3. The City of Galesburg shall divide into six wards, the boundaries of which shall be as follows:

The territory bounded on the north by the center line of Main street, on the south by the center line of South street, on the east by the center line of Seminary street, on the west by the center line of West street, shall be called the First Ward.

The territory bounded on the north by the center line of North street, on the south by the First Ward, on the east by the center line of Seminary street, on the west by the center line of West street, shall be called the Second Ward.

The territory bounded on the west by the center line of West street, and by the same line extended to the northern limits of the city, on the south by the center line of North street and the same extended to the eastern limits of the city, and bounded on the north and east by the city limits, shall be called the Third Ward.

The territory bounded on the north by the Third Ward, on the west by the center line of Seminary street and the same line extended to the southern limits of the city, and on the east and south by the city limits, shall be called the Fourth Ward.

The territory bounded on the east by the Fourth Ward, on the north by the center line of South street and the same line extended to the western limits of the city, and on the south and west by the city limits, shall be called the Fifth Ward.

The territory bounded on the south by the Fifth Ward, on the east by the First, Second and Third Wards, on the north and west by the city limits, shall be called the Sixth Ward.

The boundaries of the said wards may be, by the city council, changed from time to time. The city council may create additional wards as occasion may require, and fix the boundaries thereof.

ARTICLE SECOND.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

Section.

1. Officers of City—General duties.
2. How Appointed—How long to hold.
3. Aldermen.
4. Vacancies.

Section.

5. Officers—How removed from office.
6. Vacancies.
7. Qualifications to hold office.
8. When election is a tie.

SECTION 1. The municipal government of the city shall consist of a city council, to be composed of the Mayor and one Alderman from each ward. The other officers of the corporation shall be as follows: A City Clerk, a City Marshal, a City Treasurer, a City Attorney, a City Assessor and City Street Commissioner, a City Surveyor and Engineer, who, in addition to the duties prescribed in this act, shall perform such other duties as may be prescribed by ordinance. There shall be such other officers, servants and agents as may be provided by ordinance, to be appointed by the City Council, and to perform such duties as may be prescribed by the ordinance.

§ 2. All officers to be elected or appointed under this act except Aldermen and such as are otherwise provided for hereby, shall hold their offices one year and until the election or appointment and qualification of their successors respectively. All other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the City Council, by ballot, on the second Monday of April of each year, or as soon thereafter as may be; but the City Council may specially authorize the appointment of watchmen and policemen by the Mayor, to continue in office during the pleasure of the City Council: *Provided*, the Mayor and City Marshal may be authorized to remove them from office for good cause. All officers elected to fill vacancies, except where especially provided for, shall hold for the unexpired term

only, and when appointed to fill vacancies until the next general election, and until the election or appointment and qualification of their successors.

§ 3. The several wards of the city shall be represented in the City Council by one Alderman from each ward, who shall be a *bona fide* resident thereof. The Aldermen shall hold their offices for two years, from and after their election, and until the election and qualification of their successors; but the Aldermen in the First, Third and Fifth Wards, at the first election held under this act, shall hold their offices for one year and till their successors are qualified only; but at the annual election in April, 1858, there shall be elected Aldermen for the First, Third and Fifth Wards, who shall hold their offices for two years from the time of their election.

§ 4. If from any cause there shall not be a quorum of Aldermen, the Clerk shall appoint a time and place for holding a special election to supply such vacancies, and to appoint judges thereof if necessary. If any Alderman shall remove from the ward represented by him, his office shall become vacant. If there should be a failure by the people to elect any officers herein required to be elected, the city council shall forthwith order a new election.

§ 5. Any officer elected or appointed to any office may be removed from such office, by a vote of two-thirds of all Aldermen authorized by law to be elected; but no officer shall be removed except for good cause, nor unless first furnished with the charges against him, and heard in his defense; and the City Council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purposes of such trial, and shall proceed within ten days to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the City Council may declare the office vacant: *Provided*, this section shall not be deemed to apply to any officer appointed by the City Council. Such officer may be removed at any time by a vote of two-thirds, as aforesaid, in their discretion; but any officer may be suspended until the disposition of the charges preferred.

§ 6. Whenever any vacancy shall occur in the office of Mayor or Alderman, such vacancy shall be filled by a new election, and the City Council shall order such special elections within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the City Council, but no special election shall be held to fill vacancies if more than nine months of the time has expired.

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act.

§ 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots, in the presence of the City Council.

ARTICLE THIRD.

ELECTIONS.

Section.

1. Election—When to be held—Appointment of Inspectors.

Section.

2. Elections—How conducted, and returns of same.

3. Qualification of voters—Oath.

SECTION 1. A general election shall be held in each ward of the city on the first Monday of April next. The time in said day and the place of such elections in each ward shall be determined by the trustees of the Town of Galesburg, who shall give six days notice thereof, posted in one public place in every ward, and they shall also appoint three inspectors of election for each ward. In case the said trustees should fail to appoint the time and place of such elections, and the inspectors thereof, the qualified electors in each ward may assemble at any place in such ward and appoint inspectors from the voters present. At such election shall be chosen a Mayor, one Alderman in each ward—the Alderman to be voted for only by the residents of the ward which he is elected to represent—a City Clerk, a City Marshal, a City Treasurer, a City Assessor, and a City Street Commissioner; and at the same time and place the voters of said city shall elect a Justice of the Peace, as the voters of the district of country included within the corporate limits of the town of Galesburg are authorized to do by the charter of said town, which authority is in nowise changed by this act, only that such Justice shall be elected by the voters of the city, instead of the town of Galesburg. Upon each and every first Monday in April thereafter there shall be held a general election for all the officers required to be elected at such times, by this act or the ordinances of the city.

§ 2. The manner of conducting and voting at the elections held under this act and contesting the same, the keeping of poll lists, canvassing the votes, and certifying the returns, shall be the same as nearly as may be, as is now or may be hereafter provided by law at general State elections: *Provided*, the City Council shall have power to regulate elections and appointments of judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath, and shall have the same powers and

authority as the judges of general elections. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned, sealed, to the City Clerk, within two days after the election; and thereupon the City Council shall meet and canvass the same and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected: It shall be the duty of the City Clerk to notify all persons elected or appointed to office, of their elections or appointments; and unless such persons shall qualify within twenty days thereafter, the office shall become vacant. At the first election held on the first Monday of April next, the returns shall be made to the Clerk of the Board of Trustees of the Town of Galesburg, and the President and Trustees thereof shall meet and canvas the same and declare the result of the election.

§ 3. No person shall be entitled to vote at any election under this act who is not entitled to vote at State elections, and who has not been a resident of said city at least six months next preceding said election; he shall have been, moreover, an actual resident in the ward in which he proposes to vote for ten days previous to such election, and, if required by any judge or qualified voter, shall take the following oath before he is permitted to vote:

“I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this State at the time of the adoption of the Constitution), and have been a resident of this city six months, and a resident of the State one year immediately preceding this election, and am now and have been for the last ten days past a resident of this ward, and have not voted at this election.” *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

ARTICLE FOURTH.

POWERS AND DUTIES OF OFFICERS.

Section.

1. Officers shall take oath, to be filed with Clerk.
2. Mayor shall see that officers perform their duty.
3. Powers in suppressing riots and executing laws, &c.
4. To compel exhibition of books and papers.
5. Salaries—How fixed.
6. Shall sign or veto ordinances, have power to administer oaths, make acknowledgments, &c.
7. Vacancy in office of Mayor—How filled.
8. Members of Council—Powers and exemptions.

Section.

9. Clerk—Term of office, powers and duties.
10. City Attorney—Duties.
11. City Treasurer—Duties.
12. City Marshal—How eligible—Duties—Powers.
13. City Engineer and Surveyor—Duties—Powers.
14. City Assessor—Duties—Powers.
15. Street Commissioner—Duties—Powers.
16. Officers—Power of Council over—May require bonds.
17. Officers refusing to deliver papers, &c—How dealt with.
18. Officers to be commissioned.

SECTION 1. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the Constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the City Clerk.

§ 2. The Mayor shall preside over the meetings of the City Council, and shall take care that the laws of this State and the ordinances of this city are duly enforced, respected and observed within this city; and that all other officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished; he shall from time to time give the City Council such information, and recommend such measures as he may deem advantageous to the city.

§ 3. He is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the State or the ordinances of the city; and in case of riot to call out the militia to aid in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars.

§ 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his

books and papers; and he shall have power to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof.

§ 5. He shall receive such salary as may be fixed by ordinance.

§ 6. All ordinances and resolutions shall, before they take effect, be placed in the office of the City Clerk, and if the Mayor approve thereof he shall sign the same; and such as he shall not approve he shall return to the City Council with his objections thereto. Upon the return of any ordinance or resolution, by the Mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the members elected to the City Council shall agree, by the "ayes and noes," which shall be entered upon the journal, to pass the same, it shall go into effect; and if the Mayor shall neglect to approve of, or object to any such proceedings for a longer period than three days after the same shall be placed in the Clerk's office as aforesaid, the same shall go into effect. He shall *ex-officio*, have power to administer any oath required to be taken by this act or any law of the State, to take depositions, acknowledgments of deeds, mortgages and all other instruments of writing, and certify the same, under the seal of the city, which shall be good and valid in law.

§ 7. In case of vacancy in the office of Mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the City Council shall appoint one of its members, by ballot to preside over their meetings, whose official designation shall be "Acting Mayor;" and the Alderman so appointed shall be vested with all the powers and perform all the duties of Mayor until the Mayor shall assume his office, or the vacancy shall be filled by a new election.

§ 8. The members of the City Council shall be, *ex-officio*, Fire Wardens and conservators of the peace, within the city, and shall be exempt from jury duty during their term of office.

§ 9. The Clerk shall hold his office for three years; he shall keep the corporate seal and all papers and books belonging to the city; he shall attend all meetings of the City Council, and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the City Council certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall, likewise, draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book provided for that purpose; he shall, also, keep an accurate account of all receipts and expenditures, in such a manner as the City Council shall

direct; and he shall have power to administer any oath required to be taken by this act.

§ 10. It shall be the duty of the City Attorney to perform all professional services incident to his office, and when required, to furnish written opinions upon questions and subjects submitted to him by the Mayor or the City Council or its Committees.

§ 11. The City Treasurer shall collect all taxes and assessments which may be levied by the City Council; he shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such a manner as the City Council shall direct. All moneys shall be drawn from the treasury in pursuance of an order by the City Council, by a treasury warrant, signed by the Mayor or presiding officer of the City Council, and countersigned by the City Clerk. The Treasurer shall exhibit to the City Council, at least twenty days before the annual election of each year, and oftener, if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury; which shall be filed in the office of the Clerk.

§ 12. The City Marshal shall hold his office for one year, and he shall not be eligible to said office for more than three years in succession; and shall perform such duties as shall be prescribed by the City Council for the preservation of the public peace, the collection of license moneys, fines or otherwise; he shall possess the powers and authority of a Constable at common law, and under the statutes of the State, and receive like fees, but shall not serve civil process, without first entering into bond as such constable, to be approved by the City Council, payable to said city, as in other cases; he shall execute and return all process issued by any proper officer under this act or any ordinance in pursuance thereof.

§ 13. The City Engineer or Surveyor shall have the sole power under the discretion and control of the City Council to survey within the city limits; and he shall be governed by such rules and ordinances, and receive such fees and emoluments for his services as the City Council shall direct and prescribe; he shall possess the same powers in making plats and surveys within the city, as is given by law to County Surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him, as are or may be given by law to the acts or plats and surveys of the County Surveyor; he shall, when required, superintend the construction of all public work ordered by the city, make out the plans and estimates thereof and contract for the erection of the same; he shall perform all surveying and engineering ordered by the City Council, shall, under their

direction, establish the grades and boundaries of streets and alleys, but such plans, estimates and contracts, grades and boundaries shall be first reported to the City Council and approved by them or they shall not be valid.

§ 14. The Assessor shall perform all duties in relation to the assessing of property, for the purpose of levying the taxes imposed by the City Council. In the performance of his duties he shall have the same powers as are or may be given by law to County or Town Assessors, and be subject to same liabilities. On completing the assessment lists and having revised and corrected the same, he shall sign and return them to the City Council.

§ 15. The Street Commissioner shall superintend all local improvements in the city, and carry into effect all orders of the City Council in relation thereto. It shall be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and opening thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying and relaying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and upon the failure of any person to comply with such notice to cause the same to be laid or relaid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the City Clerk, to be laid before the City Council; to make plans and estimates of any work ordered in relation to streets and alleys, culverts or sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on what account, and he shall render monthly accounts thereof to the City Council.

§ 16. The City Council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified, and fix their compensation. They may, also, require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Galesburg, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the City Council certified thereon by the Clerk, shall be filed in his office, and remain for the benefit of any person aggrieved by the official act of the officer.

§ 17. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects of every description appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages and costs caused by his refusal or neglect so to deliver; and such successor may recover possession of the books, papers and effects belonging to his office, in the manner prescribed by the laws of the State.

§ 18. All officers elected or appointed under this act shall be commissioned by warrant, under the corporate seal, signed by the Mayor or presiding officer of the City Council and Clerk.

ARTICLE FIFTH.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

Section.

1. City Council.

2. Meetings.

3. Finances.

First—Borrow money.

Second—Appropriations.

Third—Diseases.

Fourth—Health.

Fifth—Water.

Sixth—Streets, &c.

Seventh—Bridges.

Eighth—Lighting Streets.

Ninth—Markets.

Tenth—Public Grounds.

Twelfth—Encumbering of Streets.

Thirteenth—Tax.

Fourteenth—Hackmen.

Fifteenth—Billiard tables, &c.

Sixteenth—Licenses.

Seventeenth—Sale of intoxicating liquors.

Nineteenth—Butchers.

Twentieth—Weights and measures.

Twenty-first—Lumber, &c.

Twenty-second—Hay, &c.

Twenty-third—Beef, &c.

Twenty-fourth—Bread.

Twenty-fifth—Bricks.

Twenty-sixth—Police.

Twenty-seventh—Riot.

Twenty-eighth—Horse-racing.

Twenty-ninth—Vagrants.

Thirtieth—Horses, &c.

Thirty-first—Unnecessary disturbance.

Thirty-second—Nuisances.

Thirty-fifth—Breweries, &c.

Thirty-sixth—Burial of dead.

Thirty-seventh—Census.

Thirty-eighth—Work-house.

Thirty-ninth—Care of juvenile vagrants.

Fortieth—Drains, &c.

Forty-first—Railroad tracks and depots within the city—Repairing of streets.

Forty-second—Peace, trade, &c., protected by ordinance—Fines and penalties.

SECTION 1. The Mayor and Aldermen shall constitute the City Council. They shall meet and organize the first Thursday after their election, and shall meet at such times and places thereafter as they shall determine. The Mayor, when present, shall preside at all meetings of the City Council, and shall have only a casting vote; in his absence any one of the Aldermen may be appointed to preside. A majority of the persons elected [aldermen] shall constitute a quorum.

§ 2. The City Council shall hold twelve stated meetings, one each month during the year, and the Mayor or any two Aldermen may call special meetings of the Council, served personally or left at their usual places of abode. Petitions and remonstrances may be presented to the City Council; and they shall determine the rule of their own proceeding and be the judges of the election and qualification of their own members; and shall have power to compel the attendance of absent members.

§ 3. The City Council shall have the control of the finances and of the property, real, and personal and mixed, belonging to the corporation; and shall likewise have power within the jurisdiction of the city, by ordinance:

First—To borrow money on the credit of the city, and issue bonds of the city therefor; but no bonds shall be issued having more than five years to run; and there shall never be outstanding bonds to a greater amount than two per cent. of the last assessed value of the real and personal property of the city. It shall be the duty of the Council to provide, either by taxation or the issue of bonds, for the payment of all claims against the city as rapidly as such claims fall due. All orders on the treasury shall be made payable on demand. No appropriation shall be made for any public building or other improvement out of the general fund of the city, except in such cases as where the City Council shall not have authority to provide for the same by special taxation levied on the property benefited thereby, or where the City Council shall, by resolution, declare that it will be unjust and inequitable that the property in the vicinity shall bear the expense of such improvement, and that such improvement is required by the general interests of the city. And no appropriation shall be made for any public improvements until the expense of such improvement shall be estimated by the proper officers, and unless it shall be found by such estimates and a statement of the estimated cost of all other public work in progress and other probable expenses of the city, that all such works can be completed within due time by the ordinary surplus revenue of the city, and the issue of such bonds as the Council is by law authorized to issue.

Second—To appropriate money, and to provide for the payment of the debts and expenses of the city.

Third—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and to enforce them within the city and within five miles thereof.

Fourth—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof by penalties, fine and im-

prisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Fifth—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns by drains, hydrants and reservoirs in the streets, within the city, or beyond the limits thereof, for the extinguishment of fire and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Sixth—To have the exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same; to put drains or sewers therein, and prevent the encumbering thereof in any manner, and protect the same from any encroachment or injury.

Seventh—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of the same, and to abate any obstruction or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains, to sewer the same or to wall them up and cover them over; and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.

Eighth—To provide for the lighting of the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof, and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and sidewalks.

Ninth—To establish markets and market houses and other public buildings of the city, and provide for the government and regulation thereof, and the erection and location thereof, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same.

Tenth—To provide for the enclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets and public grounds.

Eleventh—To erect and establish one or more hospitals or dispensaries, and control and regulate the same.

Twelfth—To prevent the encumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, fire-wood, posts, awnings, signs or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalk and street gutter in front of the premises occupied by them.

Thirteenth—To license, tax and regulate merchants, commission merchants, and all vendors, dealers and traders in any goods, wares, merchandise, groceries, or liquids, (alcoholic liquors excepted only, as hereinafter provided), and inn-keepers, brokers, money brokers, insurance brokers, and auctioneers, and to impose duties upon the sale of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawn-brokers, grocery-keepers, and keepers of ordinaries, theatrical or other exhibitions, shows and amusements: *Provided, however*, they may regulate, tax and license the keeping thereof, if a majority of the voters of the city, at the first city election, authorize them to do so, in the same manner as is provided to determine about the sale of intoxicating liquors.

Fourteenth—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and to regulate and restrain runners for cars, stages and public houses.

Fifteenth—To prohibit and suppress billiard tables, pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gaming and gambling houses, lotteries and fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gambling.

Sixteenth—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year; and no license shall be granted for more than thirty days, except with power reserved to the City Council to revoke such license at pleasure. The City Council shall have power to regulate, license, tax, prohibit and punish the sale of intoxicating, alcoholic or malt liquors, wine, cider, beer, soda water, or all and any drinks whatever: *Provided, however*, the said Council shall have no power to authorize the sale of intoxicating liquors, except for mechanical, medicinal, or religious purposes, unless the voters of said city shall, at their first election, to be held as hereinbefore provided, authorize, by a majority of the votes then given, the Common Council to authorize such sale: *And it is hereby provided*, that at the said election the poll books then used shall be provided with two columns, in one of which shall be set forth the number of votes in favor of authorizing the said Council to exercise in their discretion, the power of licensing the sale of intoxicating drinks; and on the other shall be set forth the number of votes against author-

izing the said Council to grant such license as above provided. And if it shall appear that a majority of the votes polled are in favor of authorizing the Common Council to grant licenses, in their discretion as aforesaid, then said Council shall henceforth have as full powers as though the written proviso were not a part of this charter; but if no such majority shall appear, then the power of the Common Council shall henceforth be restricted as provided in the above written proviso.

Seventeenth—To regulate the license and tax the keeping and sale by druggists or other persons authorized by the City Council, of alcoholic liquors, for sacramental, mechanical or medicinal purposes; but to no other persons and for no other use or purpose whatsoever, except as hereinafter provided.

Eighteenth—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard, and other provisions, and the place and manner of selling fish and inspecting the same.

Nineteenth—To regulate, license and prohibit butchers, and to revoke their licenses for malconduct in the course of trade.

Twentieth—To establish standard weights and measures, and regulate the weights and measures to be used within the city in all cases not otherwise provided by law; to require all traders or dealers in merchandise or property of any description, which is sold by measure or weight, or to cause their measures and weights to be tested and sealed by the City Sealer, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law and ordinance.

Twenty-first—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading and all kinds of building material, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors of measures.

Twenty-second—To provide for the inspection and weighing of hay, lime and stone-coal, and the place and manner of selling the same; to regulate the measurement of fire-wood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same.

Twenty-third—To regulate the inspection of beef, pork, flour, meal, and other provisions; salt, whisky and other liquors to be sold in barrels, hogsheads and other vessels and packages; to appoint, weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein contained shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of the State, except at the request of the owner thereof, or his agent.

Twenty-fourth—To regulate the weight and quality of bread to be sold or used within the city, and the inspection thereof.

Twenty-fifth—To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof.

Twenty-sixth—To create, establish and regulate the policy of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

Twenty-seventh—To prevent and suppress any riot, affray, noise, disturbance or disorderly assembly, in any public or private place within the city.

Twenty-eighth—To prohibit, prevent and suppress horse-racing, immoderate riding or driving in the city, and to authorize persons immoderately riding or driving as aforesaid, to be stopped by any person; to prohibit, and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in the streets.

Twenty-ninth—To restrain and punish vagrants, mendicants, street beggars and prostitutes, and provide for the arrest and punishment of persons found intoxicated in the streets or public places.

Thirtieth—To regulate restrain or prohibit the running at large of horses, cattle, asses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceeding and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

Thirty-first—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses and teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, or [and] all other noises, performances and practices tending to the collecting of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise.

Thirty-second—To abate all nuisances which may injure or affect the public morals, health or comfort, in any manner they may deem expedient.

Thirty-third—To do all acts and make all regulations which may be necessary or expedient for the protection and promotion of health and the suppression of disease.

Thirty-fourth—To compel the owner of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tanneries, stable,

privy, sewer or any other unwholesome or nauseous house or place, to cleanse, remove or abate the same as may be necessary for the health, comfort and convenience of the inhabitants.

Thirty-fifth—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit, within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for [steaming] or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or other places where any nauseous, offensive or unwholesome business may be carried on.

Thirty-sixth—To regulate the burial of dead: to establish one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons, and others, for any default in the premises.

Thirty-seventh—To provide for the taking an enumeration of the inhabitants of the city.

Thirty-eighth—To erect and establish a work-house or house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants in such work-house or house of correction, in which may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto by any proper officers, and all persons sentenced by any criminal court or magistrate court, in and for the city, for any assault and battery, petit larceny or other misdemeanor or breach of any ordinance of the city, punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty, or costs imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail of Knox county, be kept therein, subject to labor and confinement.

Thirty-ninth—To authorize and direct the taking up, and providing for the safe-keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care.

Fortieth—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments.

Forty-first—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches, in the streets

and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run; and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and sewers, and ditches and culverts, when the City Council shall deem necessary; to direct and prohibit the use, and regulate the speed of locomotive engines within the inhabited portions of the city; to prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage.

Forty-second—The City Council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution or laws of the United States, or of this State, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or office thereof; to determine what shall [be a] nuisance, and provide for the punishment, removal and abatement of the same; to enact and enforce the observance of all such rules, ordinances and police regulations, and to punish violations of the same by fines, penalties and imprisonment in the county jail, city prison or work-house, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars; nor the imprisonment six months, for any offense; and such fine or penalty may be recovered, with costs, in an action of debt, in the name or for the use of the city, before any court having jurisdiction, or by presentment or indictment in the Circuit Court; and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs; and in default thereof, may be imprisoned in the county jail, city prison, work-house, or required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

ARTICLE SIXTH.

OF TAXATION.

First—General Taxes.

| *Second*—Road and Street Taxes.

SECTION 1. The City Council shall have power, within the city, by ordinance,

First—To levy and collect, annually, [taxes] on all real and personal estate and property, within the city, and all personal property of the inhabitants thereof made taxable by the laws of the State for State purposes, to defray the general and contingent expenses of the city, not herein otherwise provided for; which taxes shall constitute the general fund.

Second—To require every male resident of the city, over the age of twenty-one years and under fifty years, to labor three days in each year upon the streets and alleys of the city; but any person may, at his option pay, in lieu thereof, one dollar for each day required: *Provided*, the same shall be paid within ten days after notification by the Street Commissioner. In default of payment, as aforesaid, the sum of three dollars and costs may be collected and no set-off shall be allowed in any suit brought to collect the same.

ARTICLE SEVENTH.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

Section.

1. Power to open streets, etc.
2. Notice to be given of opening of streets.
3. Buildings to be removed that interfere with improvements of streets, and damages assessed.
4. Notice.
5. Sale of such building.

Section.

6. Mode of assessing damages.
7. Public notice in certain cases.
8. Power of City Council to appoint Commissioners and remove the same.
9. Damages to be paid before street is opened.
10. Appeals.
11. Proceedings against minors.

SECTION 1. The City Council shall have power, upon the petition of the owners of two-thirds of the property fronting thereon, and, without such petition, by the unanimous vote of the City Council, to open and lay out public grounds or squares, streets, alleys and highways, or sections thereof, and to alter, widen, construct straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley or highway. The City

Council shall cause all streets, alleys and highways, or public squares and grounds, laid out by them, to be surveyed, described and recorded in a book to be kept by the Clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken; and the same, when opened and made, shall be public highways and public squares.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened, or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the City Council shall give notice of their intention to appropriate and take the land necessary for the same to the owner thereof, by publishing said notice by two insertions in a weekly paper, or six insertions in a daily paper, in the newspaper publishing the ordinances of the city; at the expiration of which time they shall appoint three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and at the same time, determine what persons will be benefitted by such improvement, and assess the damages and expenses thereof, on the real estate in the neighborhood of the improvement benefitted thereby, in proportion, as near as may be, to the benefits resulting to each. A majority of the Councilmen authorized by law to be elected, shall be necessary to a choice of commissioners. The commissioners shall be sworn faithfully and impartially to execute their duties, to the best of their abilities, before entering upon their duties; they shall give at least five days' personal notice of the time and place of their meeting for the purposes of viewing the premises and making their assessments; which notice shall be given only to the owners who are residents thereof and known. They shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

§ 3. If there should be any buildings standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him; and secondly, the value of such building to him, to remove.

§ 4. At least five days' notice shall be given to the owner, of such determination, when known and a resident of the city, which may be given personally, or in writing left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested shall be given, by one publication in the newspaper publishing the ordinances of the city. Such notice shall

specify the buildings and the award of the commissioners. It shall also require the persons interested to appear, by a day named therein, not exceeding thirty days, or give notice of their election to the City Council, either to accept the award of the commissioners, and allow such building to be taken, with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissions, to remove. If the owner shall agree to remove such building, he shall have reasonable time for that purpose as the City Council may direct.

§ 5. If the owner refuses to take the building at its appraised value, to remove, or fail to give notice of his intention as aforesaid, within the time prescribed, the City Council shall have power to direct the sale of such building, at public auction, for cash, or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

§ 6. In making their assessment, the said commissioners shall ascertain the value of the land taken, and all expenses of the improvement and damages occasioned thereby, and then assess upon the property in the neighborhood benefitted, in fair proportions, a sum sufficient to cover the whole amount thereof; which shall be paid by the owners, respectively, and be a lien upon the property upon which it may be assessed, and collected as other taxes are collected, by sale of the land, or otherwise. The value of the land taken from any owner shall be a credit to him on the assessment against him for his share of the improvement; and, if more, the difference shall be paid him in money before the land is taken. Said commissioners shall particularly describe the land and parcels on which either assessment may be made, and make a return of their proceedings and assessments to the City Council, within ten days after its completion.

§ 7. The Clerk shall give ten days' notice, by one publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on the day to be specified therein, will be acted upon by the City Council, unless objections are made to the same by some person interested. Objections may be heard before the City Council, and the hearing may be adjourned from day to day. The Council shall have power, in their discretion, to alter, confirm or annul the assessment. If annulled, all the proceedings shall be void. If altered or confirmed, an order shall be entered, directing a warrant to issue for the collection thereof.

§ 8. The City Council shall have power to remove the commissioners, and, from time to time, appoint others in place of

such as may be removed, refuse, neglect, or are unable, from any cause, to serve.

§ 9. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway or public ground, or square, shall not be appropriated until the damages awarded therefor, to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or agent cannot be found in the city, deposited to his or their credit, in some safe place of deposit, other than the hands of the treasurer; and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements; and such streets, alleys or other highways or public ground may be made and opened.

§ 10. Any person interested may appeal from any final order of the City Council for opening, widening, altering or straightening any street, alley or other highway or public ground, to the police court or Circuit Court. After the passage of said final order, said court to determine such appeal, and confirm or annul the proceedings; from which appeal no judgment or writ of error shall lie. Upon trial of the appeal, all questions involved in said proceedings, including the amount of damages shall be open to investigation, by affidavit or oral testimony adduced to the court, or upon applications of the city, or any party, the amount of damages may be assessed, by a jury, in said court, without formal pleadings, and judgment rendered accordingly. The court shall not set aside the proceedings or final order of the Council, for any omission or informality, without injury has resulted therefrom.

§ 11. When any owner known, or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the Circuit Court, or any judge of a court of record, may, upon the application of the City Council, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust: and all notices and summons required by this act shall be served on such guardian, and the final determination of either the Common Council or court in the premises shall be conclusive on such infant, and the proceedings shall not be opened at any time thereafter.

ARTICLE EIGHTH.

PUBLIC IMPROVEMENTS, AND ASSESSMENTS THEREFOR.

Section.

1. Power to improve Streets, Squares, &c.
2. City Taxes.

Section.

3. Removal of Nuisances.

SECTION 1. The City Council shall have power, from time to time, upon the petition of the owners of two-thirds of the property fronting thereon, or without such petition, by the unanimous vote of the Council, to cause any street, alley or other highway or section thereof, to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same; to cause side and cross walks, main drains and sewers, and private drains or sections thereof, to be constructed and laid, relaid cleansed and repaired, and regulate the same; to grade, improve, protect and ornament any public square or other public ground now or hereafter laid out.

§ 2. The City Council shall have power to assess and collect of the owners of lots or real estate on any street or other highway, or any part thereof, in the same manner as other city taxes, or in such a manner as may be prescribed by ordinance, all expenses or damages for the purpose of grading, paving or planking such street, sidewalk, pavement or other highway. All owners or occupants of lots or lands in front of, or adjoining, or upon whose premises the City Council shall order and direct sidewalks or private drains or gutters, communicating with any main drain, to be constructed, graded, paved, planked, repaired, relaid or cleansed, or shall declare any such lands or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, pave, plank, repair or relay such sidewalk, or make or cleanse such private drain, or grade, fill up, drain or otherwise improve such lot or land, at their own cost and charges, within the time and in manner prescribed by ordinance or otherwise; and if not done within the time and in the manner prescribed, the City Council may cause the same to be constructed, paved, planked, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expense and damage thereof by an order to be entered in their proceedings, upon the lots and lands respectively, and collect the same, by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner of such premises, for the recovery of such expenses, as for money paid and laid out to his use at his request.

§ 3. In all cases where expenses may be incurred in the removal of any nuisance, the City Council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected by the owner or occupant of such premises, in a suit for money expended to his or their use; and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisances, if known, or any person whose duty may be to remove or abate the same.

§ 4. The City Council shall have power to compel the owners of lots or grounds fronting or adjoining any public or private alley to keep the same clean, and, if necessary, to direct the same to be paved, planked or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE NINTH.

COLLECTION OF TAXES AND ASSESSMENTS.

Section.

1. Assessment lists to be returned.
2. Assessment list to be filed.
4. Warrants for taxes.
6. Treasurer to have powers of County Collectors.

Section.

9. Manner of conducting sales.
10. Right of redemption.
11. Assignees.

SECTION 1. The annual assessment list shall be returned by the Assessor on or before the first day of August in each year; but the time may be extended by the City Council. On the return thereof the City Council shall fix a day for hearing objections thereto: and the Clerk shall give one week's notice of the time and place of such hearing, by one publication in the newspaper publishing the ordinances of the city; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The City Council shall have power to supply omissions in said assessment lists, and, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, or to refer the same back to the Assessor, with instructions to revise and correct the same; and the Treasurer shall have power to add to and supply omissions by the Assessor, after the warrant shall have come into his hands.

§ 2. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same,

and directing the warrant to be issued for the collection thereof, shall be entered by the Clerk. The City Council shall, thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized percentage, and in their discretion specifying the purposes for which the same are levied, and, if not for general purposes, the division of the city upon which the same are laid.

§ 3. All taxes and assessments, general or special, levied or assessed by the City Council, under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after said first day of August, and on personal estate from and after the delivery of the warrant for the collection thereof, until paid; and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real estate, [and the real estate] shall be liable for taxes on personal estate in case of removal: *Provided*, that in case the collection of any assessment shall be delayed, by injunction or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate, for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

§ 4. The Clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

§ 5. All warrants issued for the collection of general or special taxes and assessments, shall be signed by the Mayor and Clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment^{*} lists upon which the same may be collected, and shall be delivered to the Treasurer for collection, by the first day of October unless further time be given by the City Council, of which he shall give notice by publication in the newspaper publishing the city ordinances. The Treasurer shall, thereupon, proceed to the collection of said taxes; but he shall in no case be compelled to make personal call or demand for the same. If not otherwise paid by the first day of January following, the Treasurer shall have power to collect said taxes, with interest and costs, by suit, in the corporate name of the city, or by distress and sale of personal property. And the Treasurer shall be a competent witness, and the warrant to him, as aforesaid, evidence on the part of said city.

§ 6. All taxes or assessments, general or special, shall be col-

lected by the Treasurer, in the same manner and with the same power and authority, as is given by law to the collectors of county and State taxes; and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the City Council shall have power to prescribe the powers, duties and liabilities of the Treasurer by ordinance.

§ 7. In case of the non-payment of any taxes or assessments, levied or assessed under this act, by the first day of January of each year, the premises may be sold at any time thereafter, within two years. Before such sale an order shall be made by the City Council, which shall be entered at large on the journals or records, particularly describing the delinquent premises to be sold, and the amount of taxes for which the sale shall be made, besides the costs, which costs need not then be ascertained, and directing sale thereby to be made by the Treasurer; a certified copy of which order, under the corporate seal, signed by the Mayor or presiding officer and Clerk, shall be delivered to the Treasurer, and shall constitute the process upon which such sale shall be made.

§ 8. The Treasurer shall then advertise such premises, in the newspaper publishing the ordinances of the city, for sale, at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner, when known, and the several amounts of the taxes and assessments thereon and costs. Said notice shall also contain the time and place of sale, and shall be published at least four times. The proceedings for the sale of any piece of ground may be stopped, at any time, on the payment of taxes and interest, with expense of advertising the same.

§ 9. All sales shall be conducted in the manner required by law; but the City Council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon, with interest, and costs of sale. Duplicate certificates of sale shall be made and subscribed by the Treasurer, one of which shall be delivered to the purchaser, and the other filed in the office of the Clerk; which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and when the time to redeem will expire. The Treasurer will be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The Clerk shall keep a

record of such sales, which shall be open to the public inspection at all reasonable times.

§ 10. The right of redemption, in all cases for sales for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns, to the same extent that it is allowed by law in cases of sales of real estate for taxes, on the payment, in specie, of double the amount for which the same was sold; and all taxes accruing, chargeable or paid on the premises, subsequent to the sale with interest; but infants, *femmes covert* or lunatics shall have no other or further rights of redemption than other persons. In case of redemption, the money may be paid to the purchaser or to the person entitled to the same, or for him to the City Clerk, who shall make a special deposit thereof with the Treasurer, taking his receipt therefor. If not redeemed according to law, the council, shall, upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the Mayor or presiding officer of the City Council, and countersigned by the Clerk, conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered by the Clerk in a book wherein tax sales are recorded. A fee of one dollar may be charged by the Clerk for any deed so issued.

§ 11. The assignee of any tax certificate of any premises sold for taxes or assessments, under authority of the city, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser: *Provided*, he or they through whom he claims shall have paid all taxes and assessments made since said sale on said premises.

§ 12. If at any sale of real or personal estate, for taxes or assessments, no bids shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales. All persons, before they shall be entitled to a deed for premises sold for the non-payment of taxes, shall comply with Section 4, Article 9, of the Constitution of this State, and shall produce to the proper officer the proof thereof.

§ 13. All sales of lands or lots for non-payment of taxes contemplated by this act, and deeds made to purchasers or their assigns for the same, shall convey to the holder of such deed a perfect title in fee simple to said land or lot, and in all suits and controversies in relation thereto, any person claiming such title shall be compelled to prove only the order of the City Council directing the sale, and the process upon which the sale was made,

as provided for in Section 7, of Article 9, of this act; and any person claiming title adversely thereto shall be permitted to defeat such title by proving that such land or lot was not subject to taxation at the time of the assessment, or that the taxes were paid, or land or lot redeemed according to the provisions of this act; but no person shall be permitted to question the title acquired by said deed, without first showing that he or they, or those under whom he or they claim, have paid the full amount of taxes, costs, expenses and assessments made on said land or lot since said sale for taxes, or that the same has been deposited with the city Treasurer for the use of the one entitled to receive it.

ARTICLE TENTH.

FIRE DEPARTMENT.

Section.

1. City Council may establish fire limits.
2. City Council shall have power—

First—To regulate the construction of chimneys and flues.

Third—To regulate the deposit of ashes.

Fourth—To provide fire buckets.

Fifth—To prevent dangerous manufactories.

Sixth—To regulate the using of fire-works.

Seventh—To regulate the storing of gun-powder.

Section.

Eighth—To regulate partitions, walls, etc.

Ninth—To regulate scuttles in roofs.

Tenth—To give authority at fires, etc.

Eleventh—To establish general regulations.

3. City Council may procure fire engines, etc.

First—Organizing fire companies.

Second—Fire companies.

Third—Regulating the same.

Fourth—Engineers of fire department.

SECTION 1. The City Council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings, within the limits prescribed by them without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the rebuilding of wooden buildings; to declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed or abated in such a manner as they shall prescribe.

§ 2. The City Council shall have power,

First—To regulate the construction of chimneys and flues, so as to admit of chimney sweeps or other mode of cleaning, and to compel the sweeping and cleaning of chimneys.

Second—To prevent and prohibit the dangerous construction of chimneys, flues, fire-places, stove pipes, ovens or any other apparatus, used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, when considered dangerous.

Third—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and enclosures, to examine and discover whether the same are in a dangerous state, and to cause such as are dangerous to be put in a safe condition.

Fourth—To require the inhabitants to provide as many fire buckets, and in such manner and time, as they shall prescribe, and to regulate the use thereof in times of fire; and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Fifth—To regulate and prevent the carrying on of manufactories and works dangerous in promoting and causing fires.

Sixth—To regulate, prevent and prohibit the use of fireworks and fire-arms.

Seventh—To prohibit or have the management of houses for storing of gunpowder, or direct and prohibit other and dangerous materials within the city, to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

Eighth—To regulate and prescribe the manner, and order the building of parapets and walls and of partition fences.

Ninth—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Tenth—To authorize the Mayor, fire wardens or other officers of the said city, to keep away from the fire all and any suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to damage or danger thereat, and in preventing goods from being stolen.

Eleventh—And, generally, to establish such regulations for the prevention and extinguishment of fires, as the City Council may deem expedient.

§ 3. The City Council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide, secure and fit houses and other places for keeping and preserving the same; and shall have power,

First—[To] organize fire, hook, hose, axe and ladder companies.

Second—To appoint, during their pleasure, a competent num-

ber of able and reputable inhabitants of the city, firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Third—To prescribe the duty of firemen, and to make rules and regulations for the government, and to impose reasonable penalties upon them for violation of the same, and for incapacity, neglect of duty or misconduct, to remove them.

Fourth—The City Council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the City Council.

ARTICLE ELEVENTH.

BOARD OF HEALTH.

Section.

1. How constituted.
2. Visiting of sick persons.
3. Infectious or contagious diseases.

Section.

4. Powers and penalties.
5. Other powers of health officers.
6. Physicians required to report cases.

SECTION 1. The Board of Health shall consist of three or more commissioners, to be appointed annually by the City Council; and the Mayor or the presiding officer of the City Council shall be president of the board; and the City Clerk shall be their clerk, and keep minutes of their proceedings.

§ 2. It shall be the duty of health officers to visit every sick person who may be reported to them, as hereinafter provided, and to report, with all convenient speed, their opinion of the sickness of such person to the Clerk of the Board, and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious disease, or to contain unsound provisions or damaged or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the state of the same, with all convenient speed, to the Clerk of the Board.

§ 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disorder, or all things which, in the opinion of the Board, shall be infected by or tainted with pestilential matter, and ought to be removed, so as not to endanger the health of the city, shall by order of said Board, be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the Board, at the

expense of the person to be removed, if able; and the Board may order any furniture or wearing apparel to be destroyed, whenever they may deem it necessary for the health of the city, by making just compensation.

§ 4. The City Council shall have power to prescribe the powers and duties of the Board of Health, and to punish, by fine or imprisonment, or both, any refusal or neglect to observe the orders and regulations of the Board.

§ 5. The health officers may be authorized by the City Council, when the public interest requires, to exercise, for the time being, such of the powers and perform such of the duties of marshal or street commissioner as the City Council may, in their discretion, direct, and shall be authorized to enter all houses and other places, private or public, at all times, in discharge of any duty under this act or any ordinance.

§ 6. Every person practising physic in this city, who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make report thereof, in writing, to the Clerk of the Board, and for neglect to do so shall be considered guilty of a misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered, with costs, in an action of debt, in any court having cognizance thereof, or before a Justice of the Peace, for the use of said city.

ARTICLE TWELFTH.

MISCELLANEOUS PROVISIONS.

Section.

1. Yearly statement of finances to be published.
3. Street commissioner's power further defined.
6. Cedar Fork, or branch of.
7. Survey of city property; establishing boundaries of streets.
8. Street commissioner liable for neglect.
9. Fines and penalties.
10. Vote not to be rescinded unless, etc.
11. Cemetery.

Section.

12. Publication of certain notices.
13. Actions and suits at law.
15. Justices of the peace.
16. Executions.
17. Injuries to public property provided against.
19. Ordinances previously established.
21. Corporation property.
24. Power to enlarge or reduce boundaries.
26. Officers may arrest, etc.
27. Digest of ordinances.

SECTION 1. The City Council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the

former are derived and the mode of disbursement; and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions, for making and repairing streets, highways and bridges, for the same period; together with such information as may be necessary to a full understanding of the financial concerns of the city.

§ 2. The inhabitants of the city of Galesburg are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof, without said limits.

§ 3. The Street Commissioner shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such time and in such manner as the City Council may direct or the Street Commissioner shall deem necessary. He shall deliver, or cause to be delivered or left at the usual place of abode or business of any person so required to labor, as aforesaid, a written or printed notice, or partly written or printed notice, in such form as the City Council shall prescribe, which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated for the purpose of laboring upon the streets and alleys; but similar notice, published for ten days in the newspaper publishing the ordinances of the city, by the Street Commissioner, or posted up in three public places of the ward or district, shall be deemed sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid, or to pay the tax in lieu thereof, the collector shall collect of each person, in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto, or the same may be recovered by suit, with costs, as in other cases.

§ 4. The City Council may provide for the payment of the City Attorney's and prison keeper's fees, when they cannot be collected from the offender; but said city, or any person prosecuting on her behalf, shall not, in any case, be compelled to pay or give security for costs before commencing proceedings, nor at any other time, until it is ascertained they cannot be made out of the defendant.

§ 5. All fines, forfeitures and penalties, collected for offenses committed within said city, shall belong to said city, and shall be paid into the treasury thereof by officers collecting the same.

§ 6. The water course known as Cedar Fork, in said city, or natural branch thereto, shall not be altered, filled or changed, except in the manner prescribed by the City Council; and the City Council shall have power to establish and direct and prescribe

the manner of altering, changing, straightening, and to wall, fill up, culvert or sewer the same.

§ 7. The City Council shall have power to cause the lots and blocks of the city to be surveyed, platted and numbered in consecutive numbers, from one upwards, and to designate and number all fractional or other lots or blocks, in such manner as may be prescribed by ordinance; and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks, lots or fractional blocks; to establish, mark and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to said city, or lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

§ 8. The Street Commissioner, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine.

§ 9. Neither the City Council or Mayor shall remit any fine or penalty imposed for any violation of any of the laws or ordinances of said city, or release from confinement, unless two-thirds of all the Aldermen elected shall vote for such release or remission, nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove any nuisance within its jurisdiction, by indictment or otherwise.

§ 10. No vote of the City Council shall be reconsidered or rescinded at a special meeting, unless the meeting be called, in whole or in part, for that purpose, and the Aldermen be so notified, and unless at such special meeting there be present as large a number of Aldermen as was present when the vote was taken.

§ 11. The cemetery lots which may be laid out and sold by the city or private persons, for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

§ 12. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture, for a violation of its provisions, shall, after the passage thereof, be published three days, when there is a daily paper published in said city, otherwise, once in a weekly paper: *Provided*, the proof of such publication shall not be necessary, unless it is denied under oath; and such publication may be dispensed with entirely in cases of emergency, by the unanimous vote of the Council; and proof of such publication, by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk, or any other competent proof of such publi-

cation, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places.

§ 13. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, may be brought in the corporate name. It shall be lawful to declare generally, in debt, for such penalty, fine or forfeiture, stating the clause of this act, or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it; or the defendant may be tried by presentment in the court of common pleas.

§ 14. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for warrant, as in other cases; and the Council may provide for issuing the warrant, in the instance, without oath.

§ 15. The City Council shall have power to designate one or more Justices of Peace or Police Magistrates in said city, who shall have jurisdiction in any actions for the recovery of any fine, penalty or forfeiture under this act, or any ordinance, by-law or police regulation, anything in the laws of this State to the contrary notwithstanding. Such Justice shall have power to impose fines and penalties, not exceeding the amount authorized by the Constitution of the State.

§ 16. Execution may issue immediately on rendition of judgment; and the same execution may require that if the defendant has no goods or chattels or real estate within the county of Knox, whereof the judgment can be collected, that the defendant be arrested and confined in the county jail or work-house or city prison, for a term not exceeding six months, as the Council, by ordinance, may determine. And all persons who shall be committed under this section shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in the prosecution for the recovery of any fine, penalty or forfeiture, when collected shall be paid into the city treasury.

§ 17. Any person who shall destroy or injure any bridge or any public building or any other property belonging to the city, or shall cause or procure the same to be injured, shall be subject to a penalty not exceeding five hundred dollars, for such offense, and may be imprisoned, not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person shall also be liable in a civil action, at the suit of the city or any person injured thereby, for the damages occasioned by such injury or destruction.

§ 18. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in said city of Galesburg, in any action or proceeding in which the said city may be a party in interest.

§ 19. All ordinances, regulations and resolutions now in force in the town of Galesburg, and not inconsistent with this act, shall remain in force, under this act, until altered, modified or repealed by the City Council, after this act shall take effect.

§ 20. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued, shall be vested in and prosecuted by the corporation hereby created.

§ 21. All property, real or personal, or mixed, belonging to the town of Galesburg, is hereby vested in the corporation created by this act; and the officers of said corporation now in office shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act; which shall take effect from and after its passage and publication in Galesburg.

§ 22. All ordinances of the city, when printed and published by authority of the City Council, shall be received in all courts and places, without further proof thereof, which shall not be required until denied under oath.

§ 23. The style of all ordinances shall be: "*Be it ordained by the City Council of the city of Galesburg.*"

§ 24. Any tract of land adjoining said city which may be laid out into blocks or lots and duly platted, according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof, and the City Council shall have power, upon petition of the owner of the property to reduce the boundaries of the city, not exceeding one half mile, in any direction.

§ 25. This act shall not invalidate any legal act done by the president and trustees of Galesburg, or by its officers, nor divest their successors under this act of any rights of property, or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

§ 26. All officers of the city, created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and if necessary, detain such persons in custody over night or the Sabbath in the watch-house or other safe place, or until they can be brought before a magistrate; and shall have and exercise such other powers as conservators of the peace, as the City Council prescribe.

§ 27. There shall be a digest of the ordinances of the city which are of a general nature, published within one year after the passage of this act, and a like digest within every period of five years thereafter.

§ 28. This act shall be deemed a public act, and may be read in evidence, without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect from and after its passage and publication in Galesburg; there being sufficient emergency, in the judgment of the legislature to dispense with the lapse of sixty days, before this act goes into effect.

§ 29. The act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854, shall be constituted a part of this charter of the city of Galesburg, the same as if specially recited, except that there shall be allowed to said city two police magistrates, and that their jurisdiction shall extend to all causes of action at common law or by statute where the plaintiff's demand shall not exceed five hundred dollars, and to all cases of misdemeanor committed within the city limits of said city, where indictment is not necessary to a conviction.

Approved, Feb. 14, 1857.

AMENDMENTS TO CITY CHARTER, ETC.

FIRST AMENDMENT.

An act to amend the act entitled "An act to incorporate the City of Galesburg." Approved February 14th, 1857.

Section.

1. License proviso repealed.

Section.

2. Street improvements.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the proviso in paragraph thirteen in section three of article five of the act entitled "An act to incorporate the city of Galesburg," approved 14th February, 1857, be, and the same is hereby repealed, and the City Council of said city shall have full power to license, tax, regulate, or prohibit and suppress the several pursuits and businesses therein mentioned, as though no such were therein contained.

§ 2. That article seven of said act be and the same is hereby amended so that in all cases of estimating damages occasioned by the opening or laying out of public grounds or squares, streets, alleys or highways, or sections thereof, in said city of Galesburg; or for altering, widening, constructing, straightening or discontinuing the same, it shall be lawful to take into consideration the benefits resulting therefrom to the owner of any land taken or affected by such improvement, and instead of paying to him the value of the land taken for the improvement in money, he shall be entitled only to the value of such land after deducting therefrom the value of such improvement to him or his property remaining in the neighborhood.

Approved February 19th, 1859.

SECOND AMENDMENT.

An act for the establishment of a system of Graded Schools in the City of Galesburg.

Section.

1. Boundaries of school district.
2. Division of property.
3. Transfer of school funds.
4. Board of education.
5. Powers of board.
7. Determining amount of school tax.
8. Assessment for schools.
9. Census of children.
10. Borrowing money.
11. Election of directors.
12. Treasurer and clerk.
13. Loaning permanent fund.

Section.

14. Security for loans.
15. Preferring school debts.
16. Collection of school moneys.
17. Judgments and interest.
18. Increasing securities.
19. Annual report.
20. Admission of scholars.
21. Qualifications for admission.
22. Purchasing grounds and buildings.
23. Act, part of the charter.
24. Mode of taking effect.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the territory within the limits of the city of Galesburg, Knox county, Illinois, according to its present or future boundaries, is hereby erected into a common school district, to be known as Galesburg School District.

§ 2. All school lands, school funds, and other real or personal estate, notes, bonds or obligations, belonging to township number eleven north, and range one east, of the fourth principal meridian, Knox county, Illinois, held or owned for school purposes, shall be divided between the city of Galesburg and the portion of the township without the same, in the proportion and manner following:

The school trustees for said township shall, within thirty days after the first election contemplated by this act, appoint two commissioners who are freeholders, one a resident of said city, and the other of said township without the city; who, after being sworn well and truly to discharge their duties, shall ascertain the whole number of white persons under the age of twenty-one years, residing in the whole of said township, and the whole number in said city, and in the township without the city; and thereupon said trustees shall divide and apportion said funds, real and personal estate, notes, bonds and obligations of said township, between the city and township without the city, according to the number of white persons under the age of twenty-one years residing in said township. Said trustees shall have power to supply any vacancy occurring among said commissioners.

§ 3. Said trustees or other person or persons having custody

or control of said funds or lands, shall pay over and deliver to the board of education of Galesburg school district, the portion of the funds and other personal estate, notes, bonds and obligations, to which the school district may be entitled, and execute and deliver to the board of education the necessary deeds and other conveyances for the sale of real estate due said district under said division.

§ 4. The public schools of said district shall be under the exclusive management and control of the board of education, to consist of the Mayor of said city, who shall be the president of the board, and one director from each ward of the city, to be known as "The Board of Education of Galesburg School District;" each of whom, with the treasurer and clerk of said board, shall be sworn to discharge their duties with fidelity.

§ 5. Said board shall have exclusive control over the school lands, funds, and other means of said district for school purposes, and shall have full power to do all acts and things in relation thereto, to promote the end herein designed; may sell or lease said lands and other lands or property which may have been or may hereafter be donated, purchased or designed for school purposes in said district, on such terms for cash or credit, and such times as they may see proper. They shall have full power to receive conveyances or donations, and to make the necessary deeds or leases for lands; and all conveyances by the board shall be signed and acknowledged before some competent officer by the president and secretary of said board: *Provided*, however, that no sale or lease of land for more than one year shall be made without the concurrence of five members of the board. A majority of the directors, with or without the president, shall constitute a quorum for the transaction of business, and in the absence of the president they may appoint one of their own body president *pro tempore*. The president shall only vote in case of a tie, when he shall have a casting vote.

§ 6. Said board shall have full power to purchase or lease sites for school houses, with the necessary grounds therefor. To erect, hire or purchase buildings for school houses, and keep them in repair. To furnish schools with necessary books, fixtures, furniture, apparatus and library or libraries. To establish, conduct and maintain a system of public graded schools, to be kept in one or more buildings, in said district. To supply the insufficiency of school funds for the payment of teachers and other school purposes and expenses, by school taxes, to be levied and collected as hereinafter provided. To determine the number, make the appointment, and fix the amount of compensation of teachers within said district, and of all other agents and servants. Provide that the

directors shall, in no case, receive any compensation for services as directors. To prescribe the studies to be taught, and books to be used in said schools, including maps, charts, globes, etc. To lay off and divide the said district into smaller districts, and to alter the same, or erect new ones at pleasure. To pass by-laws, rules and regulations to carry their powers into complete execution, and for the government of their own body, their officers agents and servants, and providing for their meetings and adjournments; and generally to have and possess all the rights, powers and authority necessary for the proper establishment and control of an effective system of graded schools within said district. And they shall visit and inspect each and all the schools therein as often as may be necessary.

§ 7. It shall be the duty of the Board of Education, and they shall have full power to determine the amount of money needed, and to be raised for school purposes, over and above the amount from the school funds hereinbefore enumerated, or from other sources: *Provided*, said board shall not for any one year require to be raised more than one-half of one per centum, for the benefit of said schools, on the assessed value of the real and personal property of said city for such year, without a majority of the legal voters of said city authorize them to do so, at an election to be held for that purpose, at such time and conducted in such manner as the board may direct; nor shall said board or said City Council make any loan whatsoever for school purposes without a previous authority by such vote, but with the concurrence of a majority of said voters, it shall be lawful to raise such sum either by taxation or loan, as said board may see proper; and before the first day of August of each year, they shall determine the amount required to be collected by taxation for expenditure for one year from the first day of January then next ensuing, for school purposes generally, and certify the amount to the City Council of Galesburg.

§ 8. It shall thereupon be the duty of the City Council to levy said sum on all the real estate and personal property of said city according to the assessment and valuation thereof for the current year, equally, by a certain rate per centum, and collect the same as city taxes are collected. A special column shall be prepared in the city duplicate, headed "school purposes," in which shall appear the amount of tax for school purposes chargeable against each parcel of real estate, or amount of personal property, and when said taxes are collected, the treasurer shall keep a separate account of the same, and they shall be used and applied for school purposes only, and shall be paid only on the order of said board.

§ 9. It shall be the duty of the board to cause an abstract of

the whole number of white children under the age of twenty-one years within said district to be made, and furnish the same, with such further information as is required in sections 36 and 79, of the act to establish and maintain a system of free schools, approved February 16th, 1857, to the school commissioner of Knox county, Illinois, within ten days after the same shall have been ascertained. And the school commissioner shall pay annually to the said board for the exclusive use of said district, the amount the district is entitled to receive from the funds that are or may be in his hands, subject to distribution for the support and benefit of the schools in said county, in accordance with the provisions of the free school law now in force, the same as if no special charter had been conferred upon the schools of the city of Galesburg.

§ 10. The City Council of the city of Galesburg is hereby vested with full power to borrow such sums of money, being subject to the restriction contained in the seventh section of this act, as they may deem necessary for school purposes in said district, at a rate of interest not exceeding ten per centum per annum, which may be made payable semi-annually at such place as may be agreed upon, and the money when so borrowed shall be placed under the control of the Board of Education.

§ 11. The Board of Education shall be elected by all the qualified voters of said school district, but one director shall reside in each of the wards of said city, and be a householder and freeholder thereof. The directors shall hold their offices three years from the day of their election, except that one-third of the first board elected under this act shall retire from office at the expiration of the first year, one-third at the expiration of the second year, and one-third at the expiration of the third year; and the period of their retirement shall be decided as follows: The Clerk of the City Council shall take six strips of paper, on two of which he shall write the words "one year;" on two, "two years;" another, "three years;" each member elect shall draw, and shall serve the period of time indicated by the words on the paper which he draws.

An election shall be held annually at the place where the City Council of Galesburg hold their meetings, on the first Monday of June, at the first of which all of said directors shall be chosen, and at each election thereafter, successors to the directors whose terms are about to expire. For the first election, the election officers shall be appointed by the City Council of Galesburg, notice thereof being published by said Council ten days before the election, in a newspaper of said city, but for each subsequent election said appointment shall be made by the Board of Education, and notice given by them as aforesaid, and for what wards

directors are to be chosen; and said election shall in every other particular—the supplying of vacancies in the officers thereof, substituting the place for holding the election, conducting the election, making the returns, etc., etc., be governed by the ordinance of the city of Galesburg in force at the time of election. Said board shall be the judges of the election and the qualifications of their members, and in determining the same shall be governed by the city ordinance as aforesaid.

All officers under this act shall hold their offices until the election and qualification of their successors. Removal from his ward, and not out of the city, by any director, shall not vacate his office, and whenever any vacancy shall occur in the office of director, the City Council of Galesburg shall supply the same upon notice thereof by the Board of Education; but such appointment so made by the City Council shall only continue until the next regular election of directors, when a successor shall be elected, who shall hold his office for the unexpired term only.

§ 12. The Treasurer and Clerk of the city of Galesburg shall be the Treasurer and Clerk of the Board of Education, and the board shall determine their duties, compensation and amount of security to be given.

§ 13. Said board shall cause all funds not needed for immediate use, to be loaned at the rate or ten per cent. per annum, payable semi-annually in advance. No loan shall be for a longer period than five years, and if exceeding one hundred dollars, shall be secured by unencumbered real estate of at least double the value of the loan without estimating perishable improvements. For any sum of one hundred dollars and under, good and satisfactory personal security may be taken.

§ 14. All notes and securities shall be to the Board of Education, for school purposes, and the borrower shall be at all expenses of examining titles, preparing and recording papers.

§ 15. In settling the estates of deceased persons, debts for school purposes shall be preferred to all others, except those attending the last illness of the deceased and his funeral expenses; excluding the physician's bill.

§ 16. If default be made in the payment of interest or of principal when due, interest at the rate of twelve per cent. per annum, on the amount due, shall be charged from the default and may be recovered by suit. Suit may be for the interest only, whether the principal be due or not; and if the interest be not paid within ten days after the same becomes due, the principal, at the option of the holder of the note, shall thereby become due, and may be recovered by suit, if necessary.

§ 17. All judgments for principal or interest, or both, shall

draw interest at the rate of twelve per cent. from the rendition of judgment; and said board may purchase in property sold on execution or decree in their own favor as other persons, with right of redemption as in other cases. No judgment for costs shall be rendered against said board, to be paid out of the school funds.

§ 18. If the security for any loan or other debt due the school district, in the judgment of the board, become doubtful or insecure, they shall cause the debtor to be notified thereof; and if he shall not immediately secure the same to the satisfaction of the board, the principal and interest shall thereby become due immediately, and suit may be brought against all the makers of the note, although such condition or stipulation be not inserted in the note.

§ 19. Said Board of Education shall publish annually a statement of the number of the pupils intructed the preceeding year, the several branches of education pursued, the receipts and expenditures of each school, specifying the sources of such receipts and the objects of such expenditures.

§ 20. Said board shall have full power to admit persons who do not reside within said district into said school upon such terms as they may think proper.

§ 21. All free white persons, over the age of five years and under the age of twenty-one years, residing within said district, shall be admitted to said schools free, or upon the payment of such rates of tuition as the board shall prescribe; but nothing herein contained shall prevent persons being suspended, expelled or kept out of said school altogether, for improper conduct.

§ 22. In purchasing or leasing grounds or buildings for school purposes, said Board of Education may do so on credit; and when the price and conditions of the purchase or lease are agreed upon, the board may certify the same to the City Council of Galesburg, and the Council shall make or cause to be made to the proper party, the bonds or obligations of said city for the payment of the purchase money, according to said terms, or said board may execute in their own name said contract, bonds, obligations, and they shall be binding upon said city; and the Council shall provide for the payment of the same, and the interest thereon as it becomes due, as though they were executed by the city of Galesburg, and under her corporate seal.

§ 23. This act shall be attached to the act incorporating the city of Galesburg, and be considered a part of said charter.

§ 24. This act shall not take effect or be in force without a majority of the legal voters of said city shall decide in its favor at an election for that purpose, to be held at such time and conducted in such manner as the Council of said city may direct.

Approved Feb. 18th, 1859.

THIRD AMENDMENT.

An act to amend an act entitled "An act for the establishment of a system of Graded Schools in the city of Galesburg."

Section.

1. Assessments and loans.

Section.

2. Amendatory.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section seven from the word "Provided" in the fifth line from the top of said section, be as follows: "Provided said board shall not for any one year require to be raised more than one per centum, for the benefit of said schools, on the assessed value of the real and personal property of said city for such year, unless authorized by a majority of the votes cast at an election ordered by said board for such purpose, notice of such election, and the time and place, having been given in accordance with the city ordinance for elections in force at that time; nor shall said board, or said City Council, make any loan exceeding one thousand dollars, nor for a time longer than six months, for school purposes, unless authorized by a vote as aforesaid.

§ 2. At the end of section ten add the following words: "Anything in the charter of the city of Galesburg to the contrary notwithstanding."

§ 3. At the end of section twenty-three, add the following words: "And amendment thereto."

Approved Feb. 14, 1865.

FOURTH AMENDMENT.

An act to amend the Charter of the City of Galesburg.

Section.

1. Changing day of election.

Section.

2. To be in force from passage.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the annual general election provided for in said charter be hereafter held on the first Tuesday of April.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1869.

DIVISION OF TOWNS.

A bill for an act to divide the towns of Galesburg and West Galesburg.

Section.

1. Boundaries.
2. Succession of officers.
3. Town meeting.
4. Board of apportionment.
5. City out of town jurisdiction.
6. Overseer of the poor.
7. Assessment and collection of taxes.

Section.

8. Election precincts.
9. Supervisors.
10. Justices, Notaries Public and Constables.
11. Election of same.
12. Filling vacancies.
13. Mode of taking effect.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that portion of the towns of Galesburg and West Galesburg, not embraced within the city of Galesburg, shall constitute the town of Galesburg.

§ 2. The officers of the town of Galesburg shall be the officers of the new town of Galesburg, until their successors are elected and qualified; and the officers of the town of Galesburg shall be the successors to the officers of West Galesburg.

§ 3. The first annual town meeting in said town shall be held on the first Tuesday of April next, at the school house on section nine of said town.

§ 4. The Supervisor and Assessor of the town of Galesburg and the Mayor and Assessor of the city of Galesburg shall constitute a board, whose duty it shall be to divide the property, claims and liabilities of the towns of Galesburg and West Galesburg, existing upon the taking effect of this act, between the city of Galesburg and the new town of Galesburg. And the basis of apportionment shall be the assessment of the year 1866, and the rates shall be the relative value of all the property contained within the city and within the towns outside the city.

§ 5. From and after the time this act shall take effect, the territory embraced within the limits of the city of Galesburg, shall not be within the jurisdiction of any town.

§ 6. At the annual election in the city of Galesburg there shall be elected an Overseer of the Poor. Such Overseer of the Poor shall have like powers and duties as Overseers of the Poor of towns. Such accounts of the Overseer of the Poor as are required to be audited by town auditors shall be in like manner audited by the Common Council.

§ 7. The State and county taxes shall be assessed and col-

lected within the city of Galesburg, by the City Assessor and City Collector in like manner as assessments and collections are made in towns, and for a like compensation. The City Collector shall give like bonds in the collection of State and county tax as town Collectors. The bond for collection of county tax may be approved by either of the city supervisors.

§ 8. Each ward in the city of Galesburg shall be an election precinct for all general and special elections. The judges and clerks of election shall be appointed by the City Council. Election notices shall be posted in each ward by supervisor or supervisors representing such ward.

§ 9. At each annual city election there shall be elected in the city of Galesburg one or more supervisors. The number shall not exceed the number of wards in the city, and shall not be greater than one for every four hundred legal voters residing in said city. The City Council may, from time to time divide the city into districts, for the election of supervisors, each district to elect one or more, as the Council may provide; but in forming districts no ward shall be divided.

§ 10. No Justice of the Peace, Constable or Notary Public shall be ousted of his office in consequence of the passage of this act, but in case of death, resignation or removal of any Justice of the Peace (police magistrates excepted), Constable or Notary Public in said city, or town, such vacancy shall not be filled, unless such vacancy shall diminish the number of like officers to which such town or city shall thereafter be entitled.

§ 11. At each election of Police Magistrates and city Justices of the Peace, in the city of Galesburg, there shall be elected the like number of Constables.

§ 12. The City Council shall have power to appoint to fill vacancies in the offices of supervisor and Overseer of the Poor.

§ 13. This act shall take effect so far as relates to elections in the city of Galesburg, on the first Monday of April next; and for other purposes, on the first Tuesday of April next: *Provided*, that this act shall be submitted to the legal voters of the city of Galesburg for their ratification or rejection at the city election to be held on the first Monday of April next.

The Mayor of the city of Galesburg shall, not less than two weeks prior to said city election, cause this act to be published in at least one weekly newspaper in said city. On the ballots used at said city election, there shall be written, or printed, the words, "for division of towns," or "against division of towns." And if a majority of the votes cast at said election shall be "for division of towns," then this act shall be in full force and effect; but if a ma-

majority of the votes cast at said election shall be "against division of towns," then this act shall be null and void.

Said votes at said election shall be canvassed, and the result declared as in other questions acted upon at said election.

Approved February 27, 1867.

AMENDMENT THERETO.

A bill for an act to amend an act entitled "An act to divide the towns of Galesburg and West Galesburg."

Section.

1. Election of Constables.
2. Filling vacancies.
3. Election of Overseer of the Poor.

Section.

4. Election of Supervisors.
5. Taking effect.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at each annual election in the city of Galesburg, there shall be elected as many Constables as may be necessary to fill vacancies existing in the office of Constable in said city. Such persons so appointed shall hold office for the unexpired term of their predecessors.

§ 2. The City Council of said city of Galesburg shall have power to fill any vacancies that may exist in the office of constable in said city, in the interval between regular annual charter elections in said city. Such person so appointed shall hold office until the next regular annual charter election.

§ 3. The Overseer of the Poor in said city shall not be elected at the annual charter elections in said city, but shall be appointed by and hold office during the pleasure of the City Council.

§ 4. The supervisors of said city may be elected by wards or districts, or by the city at large, as the Common Council of said city may from time to time determine.

§ 5. This act shall be deemed a public act, and be in force from and after its passage.

Approved March 6, 1869.

PRESENT CHARTER.

The following is the Act under which the City reorganized by a vote of its citizens,
July 17, 1876:

CITIES AND VILLAGES.

AN ACT to provide for the incorporation of cities and villages. [Approved April 10, 1872. In force July 1, 1872. L. 1871-2, p. 218.]

Section.

1. How cities may adopt this act.
2. Notice of election.
3. The ballot—result.
4. How towns may become cities.
5. Organizing a city—petition—election—result.
6. Courts to take judicial notice of organization, etc.
7. Election of officers.

Section.

8. When County Judge to give notice of election, etc.
9. Term of first officers.
10. Corporate name—powers.
11. Prior ordinances, etc., in force, until, etc.
12. Rights, etc., of old corporations to vest in new.
13. Record of result of election.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:*

ARTICLE I.

OF THE ORGANIZATION OF CITIES.

SECTION 1. *How city may adopt this act.*] That any city now existing in this State may become incorporated under this act in manner following: Whenever one-eighth of the legal voters of such city, voting at the last preceding municipal election, shall petition the Mayor and Council thereof to submit the question as to whether such city shall become incorporated under this act, to a vote of the electors in such city, it shall be the duty of such Mayor and Council to submit such question accordingly, and to appoint a time and place, or places, at which such vote may be taken, and to designate the persons who shall act as judges at such election; but such question shall not be submitted oftener than once in four years. [See § 53, 55.]

2. *Notice of Election.*] § 2. The Mayor of such city shall give at least thirty days' notice of such election, by publishing a notice thereof in one or more newspapers within such city; but if no newspaper is published therein, then by posting at least five copies of such notice in each ward.

3. *The ballot—result.*] § 3. The ballots to be used at such election shall be in the following form: "For city organization under general law;" or, "Against city organization under general law." The judges of such election shall make returns thereof to the City Council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered upon the records of such city. If a majority of the votes cast at such election shall be for city organization under general law, such city shall thenceforth be deemed to be organized under this act; and the city officers then in office shall, thereupon, exercise the powers conferred upon like officers in this act, until their successors shall be elected and qualified.

4. *How towns may become cities.*] § 4. Any incorporated town in this State, having a population of not less than one thousand inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town shall, respectively, perform the same duties relative to such a change of organization as is above required to be performed by the Mayor and Council of cities.

5. *Organizing a city—petition—election—result.* § 5. Whenever any area of contiguous territory in this State, not exceeding four square miles, shall have resident thereon a population of not less than one thousand inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in the manner following: Any fifty legal voters thereof may file in the office of the Clerk of the County Court, of the county in which such inhabitants reside, a petition addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, then the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits, whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place, within the boundaries of such proposed city, at which an election may be held to determine such question; and such judge shall name the persons to act as judges in holding such election, and shall give

notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election: *Provided*, that the returns of such election shall be made to and canvassed by the county judge and any two justices of the peace whom he shall call to his assistance, instead of the City Council; and the result of such election shall be entered upon the records of such county court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of such territory, described in such petition, shall be deemed to be incorporated as a city, under this act, and with the name stated in the petition. [See § 175.

6. *Courts to take judicial notice of organization, etc.*] § 6. All courts in this State shall take judicial notice of the existence of all villages and cities organized under this act, and of the change of the organization of any town or city from its original organization to its organization under this act; and from the time of such organization or change of organization, the provisions of this act shall be applicable to such cities and villages, and all laws in conflict therewith shall no longer be applicable. But all the laws or parts of laws, not inconsistent with the provisions of this act, shall continue in force and applicable to any such city or village, the same as if such change of organization had not taken place.

7. *Election of officers.*] § 7. It shall be the duty of the president and board of trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and place or places of holding the same. Such notice shall be published in a newspaper, if there be one, within the town, or posted in ten public places for at least twenty days before such election. Such president and trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be applicable thereto; but, at such election, Aldermen may be elected on a general ticket.

8. *When County Judge to give notice of election, etc.*] § 8. In case of cities organizing under section five (5) of this article, the County Judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by President and Trustees of such town, and in canvassing such returns shall call to his assistance two Justices of the Peace. [See § 52.

9. *Term of first officers.*] § 9. The city officers elected

under either of the preceding sections, shall hold their respective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected and qualified, as provided in this act.

10. *Corporate name—powers.*] § 10. Cities organized under this act shall be bodies politic and corporate, under the name and style of "City of (name)," and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal, and change the same at pleasure, and exercise all the powers hereinafter conferred.

11. *Prior ordinances, etc., in force until, etc.*] § 11. All ordinances, resolutions and by-laws in force in any city or town when it shall organize under this act, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town.

12. *Rights, etc., of old corporations to vest in new.*] § 12. All rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal incorporation upon its becoming incorporated under the provisions of this act; but no rights or liabilities, either in favor of or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind shall be affected by such change, but the same shall stand and progress as if no change had been made: *Provided*, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided, and used accordingly.

13. *Record of result of election.*] § 13. The corporate authorities of any city or village which may become organized under this act shall, within three months after organization hereunder, cause to be filed in the office of the recorder of deeds, in the county in which such city or village is situated, a certified copy of the entry made upon the records of the city, village or County Court, of the canvass of the votes, showing the result of such election, whereby such city or village became so organized—and such recorder of deeds shall record the same. And such corporate authorities shall also cause a like certificate to be filed in the office of the Secretary of State, who shall file the same, and keep a registry of cities and villages organized under this act.

ARTICLE II.

OF THE MAYOR.

Section.

- 14. Mayor—his qualifications.
- 15. Vacancy one year or more.
- 16. Vacancy less than a year.
- 17. Mayor *pro tem.*
- 18. Vacancy by removal from city.
- 19. Mayor to preside—casting vote.
- 20. When he may remove officers.
- 21. His powers to keep peace.

Section.

- 22. Release of prisoners.
- 23. General duties.
- 24. Power to examine records, etc.
- 25. Messages to Council.
- 26. To call out militia, etc.—riots, etc.
- 27. Misconduct, etc., of the Mayor or other officer—penalty.
- 28. Revised ordinances after change of organization.

14. *Mayor—his qualifications.*] § 1. The chief executive officer of a city shall be a Mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years, and until his successor is elected and qualified.

15. *Vacancy one year or over.*] § 2. Whenever a vacancy shall happen in the office of the Mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election.

16. *Vacancy less than a year.*] § 3. If the vacancy is less than one year, the City Council shall elect one of its number to act as Mayor, who shall possess all the rights and powers of the Mayor until the next annual election, and until his successor is elected and qualified.

17. *Mayor pro tem.*] § 4. During a temporary absence or disability of the Mayor, the City Council shall elect one of its number to act as Mayor *pro tem.*, who, during such absence or disability, shall possess the powers of Mayor.

18. *Vacancy by removal from city.*] § 5. If the Mayor at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant.

19. *Mayor to preside—casting vote.*] § 6. The Mayor shall preside at all meetings of the City Council, but shall not vote except in case of a tie, when he shall give the casting vote.

20. *When he may remove officers.* § 7. The Mayor shall have power to remove any officer appointed by him, on any former charge, whenever he shall be of the opinion that the interests of the city demand such removal; but he shall report the reasons for such removal to the Council at its next regular meeting.

21. *His powers to keep peace.* § 8. He may exercise, within the city limits, the powers conferred upon Sheriffs, to suppress

disorders and keep the peace. [See § 83; also, "Sheriffs," ch. 125, § 17; "Crim. Code," ch. 38, § 340.

22. *Release of prisoners.*] § 9. He may release any person imprisoned for violation of any city ordinance, and shall report such release, with the cause thereof, to the Council at its first session thereafter.

23. *General duties.*] § 10. He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

24. *Power to examine records, etc.*] § 11. He shall have power at all times to examine and inspect the books, records and papers of any agent, employee or officer of the city.

25. *Messages to Council.*] § 12. The Mayor, shall, annually, and from time to time, give the Council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient.

26. *To call out militia, etc.—riots, etc.* § 13. He shall have power, when necessary, to call on every male inhabitant of the city over the age of 18 years, to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the Governor as commander-in-chief of the militia.

27. *Misconduct, etc., of the Mayor or other officer—penalty.*] § 14. In case the Mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or misfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not exceeding \$1,000; and the court in which such conviction shall be had shall enter an order removing such officer from office. [See "Crim. Code," ch. 38, § 208–219.

28. *Revising ordinances after change of organization.*] § 15. He may appoint, by and with the advice and consent of the City Council, immediately after such change of organization, one or more competent persons to prepare and submit to the City Council for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city, the compensation of such reviser or revisers to be determined and fixed by the City Council and paid out of the city treasury.

ARTICLE III.

OF THE CITY COUNCIL.

Section.

- 29. Council—how composed.
- 30. Number of Aldermen.
- 31. Term of office of Aldermen.
- 32. Vacancy.
- 33. Qualifications of Aldermen.
- 34. Council judge of election and qualification of members.
- 35. Rules—expulsion—bribery.
- 36. Quorum—compelling attendance.
- 37. Meetings.
- 38. Chairman *pro tem*.

Section.

- 39. Open doors.
- 40. Journals shall be kept.
- 41. Yeas and nays—record—vote required.
- 42. Not to rescind vote at special meeting, unless, etc.
- 43. When report laid over.
- 44. Territorial jurisdiction.
- 45. Special meetings.
- 46. Ordinances—appeal—veto.
- 47. Reconsideration—passing over veto.

29. *Council—how composed.*] § 1. The City Council shall consist of the Mayor and Aldermen.

30. *Number of Aldermen.*] § 2. The number of Aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding three thousand inhabitants, six Aldermen; exceeding three thousand but not exceeding five thousand, eight Aldermen; exceeding five thousand and not exceeding ten thousand, ten Aldermen; exceeding ten thousand and not exceeding thirty thousand, fourteen Aldermen; and two additional Aldermen for every twenty thousand inhabitants over thirty thousand: *Provided, however,* that in cities of over 100,000 inhabitants, there shall be elected thirty-six Aldermen and no more. [See § 175.

31. *Term of office.*] § 3. Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified.

32. *Vacancy.*] § 4. If any vacancy shall occur in the office of Alderman by death, resignation, removal or otherwise, such vacancy shall be filled by election.

33. *Qualifications of Aldermen.*] § 5. No person shall be eligible to the office of Alderman unless he shall be a qualified elector, and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall

be a member of the City Council; nor shall any member of the City Council at the same time hold any other office under the city government; nor shall he be either directly or indirectly, individually, or as a member of a firm, engaged in any business transaction (other than official) with such city, through its Mayor or any of its authorized boards, agents or attorneys, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms.

34. *Council judge of election and qualification of its members.*] § 6. The City Council shall be judge of the election and qualification of its own members.

35. *Rules—expulsion—bribery.*] § 7. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the Aldermen elect, may expel a member, but not a second time for the same offense: *Provided*, that any Alderman or Councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office.

36. *Quorum—compelling attendance.*] § 8. A majority of the Aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance.

37. *Meetings.*] § 9. The City Council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings thereof may be called.

38. *Chairman pro tem.*] § 10. It may elect a temporary chairman in the absence of the Mayor.

39. *Open doors.*] § 11. It shall sit with open doors.

40. *Journal.*] § 12. It shall keep a journal of its own proceedings.

41. *Yeas and nays—record—vote required.*] § 13. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected in the City Council shall be necessary to the passage of any such ordinance or proposition: *Provided*, it shall require two-thirds of all the Aldermen elect to sell any city or school property.

42. *Not to rescind vote at special meeting, unless, etc.*] § 14. No vote of the City Council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of Aldermen as were present when such vote was taken.

43. *When report laid over.*] § 15. Any report of a committee of the Council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two Aldermen present.

44. *Territorial jurisdiction.*] § 16. The City Council and Board of Trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof. [See § 71, 170, 229.

45. *Special meeting.*] § 17. The Mayor or any three Aldermen may call special meetings of the City Council.

46. *Ordinances—approval—veto.*] § 18. All ordinances passed by the City Council shall, before they take effect, be deposited in the office of the City Clerk; and if the Mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the Council with his objections thereto, in writing, at the next regular meeting of the Council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the Mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

47. *Reconsideration—passing over veto.*] § 19. Upon the return of any ordinance by the Mayor, the vote by which the same was passed shall be reconsidered by the Council; and if, after such reconsideration, two-thirds of all the members elected to the City Council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the Mayor may refuse to approve thereof. The vote to pass the same over the Mayor's veto shall be taken by yeas and nays, and entered on the journal.

ARTICLE IV.

ELECTIONS.

Section.

- 48. Annual election.
- 49. Election of Mayor.
- 50. Who entitled to vote.
- 51. Wards.
- 52. Aldermen at first election—classified.
- 53. Minority representation.
- 54. Aldermen under minority plan.
- 55. Aldermen when minority plan not adopted.

Section.

- 56. Council to designate place of election—notice.
- 57. Manner of conducting elections.
- 58. Result—tie.
- 59. Notice to persons elected or appointed.
- 60. Where no quorum in office—special election.
- 61. Special elections.

48. *Annual elections.*] § 1. A general election for city officers shall be held on the third Tuesday of April of each year.

49. *Election of Mayor.*] § 2. At the general election held in 1873, and biennially thereafter, a Mayor shall be elected in each city.

50. *Who entitled to vote.*] § 3. All persons entitled to vote at any general election for State officers within any city or village, having resided therein thirty days next preceding thereto, may vote at any election for city or village officers. [See “Elections,” ch. 46, § 65, 66; Const. art. 7, § 1.

51. *Wards.*] § 4. The City Council may, from time to time, divide the city into one-half as many wards as the total number of Aldermen to which the city is entitled; and one Alderman shall, annually be elected in and for each ward, to hold his office for two years, and until his successor is elected and qualified. In the formation of wards, the population of each shall be as nearly equal, and the ward shall be of as compact and contiguous territory as practicable.

52. *Aldermen at first election—classified.*] § 5. At the first election under this act, there shall be elected the full number of Aldermen to which the city shall be entitled. At the first meeting of the City Council after such election, the Aldermen elected shall be divided, by lot, into two classes: Those of the first class shall continue in office for one year, and those of the second for two years. And upon any increase of the number of Aldermen, at their first election one-half shall be elected for one year, and one-half for two years.

53. *Minority representation.*] § 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time, for adoption or rejection, the question of minority representation in the City Council

or legislative authority of such city. At the said election the ballots shall be in the following form: "For minority representation in the City Council," or "Against minority representation in the City Council." And at any subsequent time, on petition of the legal voters equal in number to one-eighth the number of legal votes cast at the next preceding general city election, the City Council shall cause the question of minority representation to be submitted to the legal voters of said city, and the ballots shall be in form as provided in this section: *Provided*, that no such question of representation shall be submitted more than once in every two years. The judges of such election shall make returns thereof to the City Council, whose duty it shall be to canvass such returns and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be "For equal representation in the City Council," then the members of the City Council or legislative authority of such city shall be thereafter elected in the following manner: The Council or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such city, by dividing the population thereof, as ascertained by the last federal census, by any number not less than two nor more than six, and the quotient shall be the ratio of representation in the City Council. Districts shall be formed of contiguous and compact territory, and contain as nearly as practicable, an equal number of inhabitants.

54. *Aldermen under minority plan.*] § 7. Every such district shall be entitled to three Aldermen, who shall hold their office for two years, and until their successors shall be elected and qualified: *Provided*, that those elected at the first election, from the wards bearing odd numbers, shall only hold their office for one year, and until their successors shall be elected and qualified. Vacancies occurring by the expiration of term, shall be filled by the election of Aldermen for the full term of two years. Vacancies arising from any other cause than the expiration of term, shall be filled at an election to be held by the voters of the district in which such vacancy shall occur, at the time designated by the City Council. In all elections for Aldermen, aforesaid, each qualified voter may cast as many votes as there are Aldermen to be elected in his district, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit, and the candidate highest in votes shall be declared elected.

55. *Aldermen when minority plan not adopted.*] § 8. If a majority of the votes cast at such election shall be "Against minority representation in the City Council," the preceding section

shall be null and void, so far as it relates to such city at such election, and the Aldermen of such city shall be elected as otherwise provided for in this act.

56. *Place of election—notice.*] § 9. The City Council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least twenty days prior to such election.

57. *Manner of conducting elections, etc.*] § 10. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this State. The judges of election shall appoint clerks, when necessary to fill vacancies, and the judges and clerks shall take the same oath and have the same powers and authority as the judges and clerks of general State elections. After the closing of the polls, the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk, as the case may be, within two days after the election; and, thereupon, the City Council or board of trustees, as the case may be, shall examine and canvass the same and declare the result of the election, and cause a statement thereof to be entered upon its journals. [See "Elections," ch. 46, § 48,—64.]

58. *Result—tie.*] § 11. The person having the highest number of votes, for any office, shall be declared elected. In case of a tie in the election of any city or village officer, it shall be determined by lot, in presence of the City Council or board of trustees, in such manner as they shall direct, which candidate or candidates shall hold the office.

59. *Notice to persons elected or appointed.*] § 12. It shall be the duty of the village or city clerk, within five days after the result of the election is declared or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant.

60. *When no quorum in office—special election.*] § 13. If, for any cause, there shall not be a quorum in office of the City Council or board of trustees, the Mayor, Clerk, or any Alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy and give notice and appoint the judges thereof.

61. *Special elections.*] § 14. If there is a failure to elect

any officer herein required to be elected, or the person elected should fail to qualify, the City Council or board of trustees may forthwith order a new election therefor; and in all cases when necessary for the purposes of this act, may call special elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance for the mode of conducting the same; and shall give notice of such special elections, in which shall be stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages.

ARTICLE V.

OF THE POWERS OF THE CITY COUNCIL.

Section.

- 62. General powers of the City Council.
- 63. Style of ordinances.
- 64. Publication of ordinances—when they take effect.
- 65. Proof of ordinances.
- 66. Suits for violating ordinances.

Section.

- 67. Fines and licenses paid to treasurer.
- 68. Summons—affidavit—punishment.
- 69. Jurisdiction of justices, etc.
- 70. Constables and sheriffs may serve process, etc.
- 71. Jurisdiction over water.

62.] § 1. The City Council in cities, and president and the Board of Trustees in villages, shall have the following powers:

First—To control the finances and property of the corporation.

Second—To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

Third—To levy and collect taxes for general and special purposes on real and personal property. [See § 89, 171, 227, 231–236, 240–269.]

Fourth—To fix the amount, terms and manner of issuing and revoking licenses.

Fifth—To borrow money on the credit of the corporation for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose to an amount including existing indebtedness, in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal

thereof within twenty years after contracting the same. [See § 90, 169, 228, 245.

Sixth—To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidation or funding of the same.

Seventh—To lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and vacate the same. [See "Plats," ch. 109, § 1-10.

Eighth—To plant trees upon the same.

Ninth—To regulate the use of the same.

Tenth—To prevent and remove encroachments or obstructions upon the same.

Eleventh—To provide for the lighting of the same.

Twelfth—To provide for the cleansing of the same.

Thirteenth—To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: *Provided*, however, that any company heretofore organized under the general laws of this State, or any association of persons organized, or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof, with the same, shall have the right, by consent of the Common Council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village in this State, subject to such regulations as any such city or village may by ordinance impose.

Fourteenth—To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupant of any premises to keep the sidewalks in front of, or along the same, free from snow and other obstructions.

Fifteenth—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage or any offensive matter in, and to prevent injury to any street, avenue, alley or public ground.

Sixteenth—To provide for and regulate crosswalks, curbs and gutters.

Seventeenth—To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, racks, posting handbills and advertisements.

Eighteenth—To regulate and prohibit the exhibition or carrying of banners, placards, advertisements or handbills in the streets or public grounds, or upon the sidewalks.

Nineteenth—To regulate and prevent the flying of flags, banners or signs across the streets or from houses.

Twentieth—To regulate traffic and sales upon the streets, sidewalks and public places.

Twenty-first—To regulate the speed of horses and other animals, vehicles, cars and locomotives, within the limits of the corporation.

Twenty-second—To regulate the numbering of houses and lots.

Twenty-third—To name and change the name of any street, avenue, alley or other public place.

Twenty-fourth—To permit, regulate or prohibit the locating, constructing or laying a track of any horse railroad in any street, alley or public place; but such permission shall not be for a longer time than twenty years. [See "H. and D. railroads," ch. 66.]

Twenty-fifth—To provide for and change the location, grade and crossings of any railroad.

Twenty-sixth—To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets and public roads, and keep the same in repair, within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses or other domestic animal, may sustain by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this State, relative to the fencing of railroads; and actions to recover such damages may be instituted before any Justice of the Peace or other court of competent jurisdiction.

Twenty-seventh—To require railroad companies to keep flagmen at railroad crossings of streets, and to provide protection against injury to persons and property in the use of such railroads. To compel such railroad to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

Twenty-eighth—To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof. [See § 194.]

Twenty-ninth—To construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof. [See § 242.]

Thirtieth—To deepen, widen, dock, cover, wall, alter or change the channel of water courses.

Thirty-first—To construct and keep in repair canals and slips for the accommodation of commerce.

Thirty-second—To erect and keep in repair public landing places, wharves, docks and levees. [See § 219, 220.]

Thirty-third—To regulate and control the use of public and private landing places, wharves, docks and levees.

Thirty-fourth—To control and regulate the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

Thirty-fifth—To license, regulate and prohibit wharf-boats, tugs and other boats used about the harbor or within such jurisdiction.

Thirty-sixth—To fix the rate of wharfage and dockage.

Thirty-seventh—To collect wharfage and dockage from all boats, rafts or other craft landing at or using any public landing place, wharf, dock or levee within the limits of the corporation.

Thirty-eighth—To make regulations in regard to the use of harbors, towing of vessels, opening and passing of bridges.

Thirty-ninth—To appoint harbor masters, and define their duties.

Fortieth—To provide for the cleansing and purification of waters, water courses and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

Forty-first—To license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and to revoke such license at pleasure.

Forty-second—To license, tax and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation.

Forty-third—To license, regulate, tax and restrain runners for stages, cars, public houses, or other things or persons.

Forty-fourth—To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon hole or any other tables or implements kept or used for a similar purpose in any place of public resort, pin alleys and ball alleys.

Forty-fifth—To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city, and within three miles of the outer boundaries of the city; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devices and practices for the purpose of gaming or obtaining money or property; and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations. [See § 216, 217.]

Forty-sixth—To license, regulate and prohibit the selling or

giving away of any intoxicating, malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license: *Provided*, that the City Council in cities, or President and Board of Trustees in villages, may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: *Provided, further*, that in granting licenses such corporate authorities shall comply with whatever general law of the State may be in force relative to the granting of licenses. [See § 216; also "Dram Shops," ch. 43.

Forty-seventh—The foregoing shall not be construed to affect the provisions of the charter of any literary institution heretofore granted.

Forty-eighth—And the City Council in cities, and President and Board of Trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, apprentice or servant, or insane, idiotic or distracted person, habitual drunkard, or person intoxicated.

Forty-ninth—To establish markets and market houses, and provide for the regulation and use thereof.

Fiftieth—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

Fifty-first—To prevent and punish forestalling and regrating.

Fifty-second—To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread in the loaf.

Fifty-third—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other provisions.

Fifty-fourth—To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise.

Fifty-fifth—To provide for the inspection and sealing of weights and measures.

Fifty-sixth—To enforce the keeping and use of proper weights and measures by vendors.

Fifty-seventh—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Fifty-eighth—To regulate places of amusement.

Fifty-ninth—To prevent intoxication, fighting, quarreling, dog fights, cock fights, and all disorderly conduct.

Sixtieth—To regulate partition fences and party walls.

Sixty-first—To prescribe the thickness, strength and manner of constructing, stone, brick and other buildings, and construction of fire escapes therein.

Sixty-second—The City Council, and the President and Trustees in villages, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed or repaired, without permission, and to direct that all and any buildings within the fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of fifty per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

Sixty-third—To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building and manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state to be put in a safe condition.

Sixty-fourth—To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires, and provide for the use and management of the same by voluntary fire companies or otherwise.

Sixty-fifth—To regulate and prevent storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fire-works, fire-crackers, torpedoes, Roman candles, sky-rockets, and other pyrotechnic displays.

Sixty-sixth—To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

Sixty-seventh—To provide for the inspection of steam boilers

Sixty-eighth—To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

Sixty-ninth—To establish and erect calaboooses, bridewells, houses of correction and workhouses, for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

Seventieth—To use the county jail for the confinement or pun-

ishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county board.

Seventy-first—To provide by ordinance in regard to the relation between all the officers and employees of the corporation in respect to each other, the corporation and the people.

Seventy-second—To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies, in any public or private place.

Seventy-third—To prohibit and punish cruelty to animals.

Seventy-fourth—To restrain and punish vagrants, mendicants and prostitutes.

Seventy-fifth—To declare what shall be a nuisance, and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Seventy-sixth—To appoint a Board of Health, and prescribe its powers and duties.

Seventy-seventh—To erect and establish hospitals and medical dispensaries, and control and regulate the same.

Seventy-eighth—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Seventy-ninth—To establish and regulate cemeteries within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation. [See "Cemeteries," ch. 21, § 4.

Eightieth—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs. [See "Animals," ch. 8, § 1-7.

Eighty-first—To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories and tanneries, within the limits of the city or village, and within the distance of one mile without the city or village limits.

Eighty-second—To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and founderies within the limits of the city or village.

Eighty-third—To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

Eighty-fourth—To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

Eighty-fifth—The City Council, or Trustees of a village, shall

have power to provide for the taking of the city or village census; but no city or village census shall be taken by authority of the Council or Trustees oftener than once in three years.

Eighty-sixth—To provide for the erection and care of all public buildings necessary for the use of the city or village.

Eighty-seventh—To establish ferries, toll bridges, and license and regulate the same, and, from time to time, fix tolls thereon. [See § 194.

Eighty-eighth—To authorize the construction of mills, mill-races and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

Eighty-ninth—The City Council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

Ninetieth—The City Council or Board of Trustees shall have no power to grant the use of, or the right to lay down, any railroad tracks in any street of the city, to any steam or horse railroad company, except upon a petition of the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes. [See “H. and D. R. R.” ch. 66, § 3; “Railroads and Warehouses,” ch. 114, § 19.

Ninety-first—To tax, license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers and brokers.

Ninety-second—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Ninety-third—To regulate and prohibit the keeping of any lumber yard, and the placing or piling or selling any lumber, timber, wood or other combustible material, within the fire limits of the city.

Ninety-fourth—To provide, by ordinance, that all the paper, printing, stationery, blanks, fuel, and all the supplies needed for the use of the city, shall be furnished by contract, let to the lowest bidder.

Ninety-fifth—To tax, license and regulate second-hand and junk stores, and to forbid their purchasing or receiving from

minors, without the written consent of their parents or guardians, any article whatsoever.

Ninety-sixth—To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the City Council or board of trustees shall deem proper: *Provided*, no fine or penalty shall exceed \$200, and no imprisonment shall exceed six months for one offense.

63. *Style of ordinances.*] § 2. The style of the ordinances in cities shall be: "Be it ordained by the City Council of....."

64. *Publication of ordinances—when to take effect.*] § 3. All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until ten days after it is so published. And all other ordinances, orders and resolutions shall take effect from and after their passage, unless otherwise provided therein.

65. *Proof of ordinances.*] § 4. All ordinances, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation. And when printed in book or pamphlet form, and purporting to be published by authority of the Board of Trustees or the City Council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof. [See "Evidence, etc.," ch. 51, § 14.

66. *Suits for violating ordinances.*] § 5. All actions brought to recover any fine, or to enforce any penalty, under any ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff; and no prosecution, recovery or acquittal, for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

67. *Fines and licenses paid to treasurer.*] § 6. All fines and forfeitures for the violation of ordinances, when collected, and all money collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance.

68. *Summons—affidavit—punishment.*] § 7. In all actions

for the violation of any ordinance, the first process shall be a summons: *Provided, however,* that a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by the city or village for the incarceration of offenders, until such fine, penalty and cost shall be fully paid: *Provided,* that no such imprisonment shall exceed six months for any one offense. The City Council or board of trustees shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation, at such labor as his or her strength will permit, within and without such prison, work-house, house of correction, or other place provided for the incarceration of such offenders, not exceeding ten hours each working day, and for such work the person so employed to be allowed, exclusive of his or her board, \$2 for each day's work on account of such fine and cost.

69. *Jurisdiction of Justices, etc.*] § 8. Any and all Justices of the Peace and Police Magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

70. *Constable or Sheriff may serve process, etc.*] § 9. Any Constable or Sheriff of the county may serve any process, or make any arrests authorized to be made by any city officer.

71. *Jurisdiction over waters.*] § 10. The city or village government shall have jurisdiction upon all waters within or bordering upon the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the State. [See § 44, 215, 216.]

ARTICLE VI.

OFFICERS—THEIR POWERS AND DUTIES.

Section.

- 72. Officers enumerated.
- 73. Other officers—duties of City Marshal.
- 74. Appointment—vacancies—duties—powers.
- 75. Oath—bond.
- 76. Commission—certificate—delivery to successors.
- 77. Qualifications of officers.
- 78. Officers not to be interested in contracts, etc.

Section.

- 79. Bribery—penalty.
- 80. Mayor, etc., not to hold other office.
- 81. Duties of Clerk.
- 82. Record of ordinances.
- 83. Conservators of the peace—powers.
- 84. Compensation of Mayor.
- 85. Compensation of Aldermen, etc.
- 86. Compensation of other officers.
- 87. Administering oaths.

72. *Officers.*] § 1. There shall be elected, in all cities organized under this act, the following officers, viz: a Mayor, a City Council, a City Clerk, City Attorney, and a City Treasurer.

73. *Other officers—duties of City Marshal.*] § 2. The City Council may, in its discretion, from time to time, by ordinance passed by a vote of two-thirds of all the Aldermen elected, provide for the election by the legal voters of the city, or the appointment by the Mayor, with the approval of the City Council, of a City Collector, a City Marshal, a City Superintendent of Streets, a Corporation Counsel, a City Comptroller, or any or either of them, and such other officers as may by said Council be deemed necessary or expedient. The City Council may, by a like vote, by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer; and no officer, filling any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The City Marshal shall perform such duties as shall be prescribed by the City Council for the preservation of the public peace, and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law, and under the statutes of this State.

74. *Appointment—vacancies—duties—powers.*] § 3. All officers of any city, except where herein otherwise provided, shall be appointed by the Mayor (and vacancies in all offices, except the Mayor and Aldermen, shall be filled by like appointment) by and with the advice and consent of the City Council. The City Council may, by ordinance not inconsistent with the provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office: *Provided*, the term shall not exceed two years. [See § 15–18, 32.

75. *Oath—bond.*] § 4. All officers of any city or village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of according to the best of my ability.

Which oath or affirmation, so subscribed, shall be filed in the office of the Clerk. And all such officers, except Aldermen and Trustees, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the City Council or Board of Trustees, payable to the city or village, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city or village: *Provided, however*, that in no case shall the Mayor's bond be fixed at a less sum than three thousand dollars (\$3,000); nor shall the Treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year—which bonds shall be filed with the Clerk (except the bond of the Clerk, which shall be filed with the Treasurer).

76. *Commission—certificate—delivery to successors.*] § 5. All officers elected or appointed under this act (except the Clerk, Aldermen and Mayor, and Trustees,) shall be commissioned by warrant, under the corporate seal, signed by the Clerk and the Mayor or presiding officer of the City Council or Board of Trustees. The Mayor or President of the Board of Trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the Clerk thereof, and any person having been an officer of the city or village, shall within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so, shall be liable for all the damages caused thereby, and to such penalty as may by ordinance be prescribed.

77. *Qualifications of officers.*] § 6. No person shall be eligible to any office who is not a qualified elector of the city or village, and who shall not have resided therein at least one year next preceding his election or appointment, nor shall any person be eligible to any office who is a defaulter to the corporation. [See "Officers," ch. 102, § 2, 4.

78. *Not to be interested in contracts, etc.*] § 7. No officer shall be directly or indirectly interested in any contract, work or business of the city, or the sale of any article, the expense, price or con-

sideration of which is paid from the treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation. [See "Officers," ch. 102, § 3, 4.]

79. *Bribery—penalty.*] § 8. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any member of the City Council or Board of Trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, right in action, or other property or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding \$5,000, or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city or village, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding \$5,000, or both, in the discretion of the court. Every person offending against either of the provisions of this section, shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. [See "Crim. Code," ch. 38, § 31, 35.]

80. *Mayor, etc., not to hold other office.*] § 9. No Mayor, Alderman, City Clerk or Treasurer, shall hold any other office under the city government during his term of office. [See "Officers," ch. 102, § 2, 4.]

81. *Duties of clerk.*] § 10. The Clerk shall keep the corporate seal, to be provided under the direction of the City Council or the Board of Trustees, and all papers belonging to the city or village; he shall attend all meetings of the City Council

or Board of Trustees, and keep a full record of its proceedings in the journal; and copies of all papers duly filed in his office, and transcripts from the journals and other records and files of his office, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced.

82. *Record of ordinances.*] § 11. The Clerk shall record, in a book to be kept for that purpose, all ordinances passed by the City Council or Board of Trustees, and at the foot of the record of each ordinance so recorded, shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memorandum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever.

83. *Conservators of the peace—powers.*] § 12. The Trustees in villages, the Mayor, Aldermen, and the Marshal and his deputies, policemen and watchmen, in cities, if any such be appointed, shall be conservators of the peace; and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or village, or any criminal law of the State, commit for examination, and if necessary, detain such persons in custody over night or Sunday in the watch house, or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers, as conservators of the peace, as the City Council or Board of Trustees may prescribe. [See § 21.

84. *Compensation of Mayor.*] § 13. The Mayor of any city shall receive such compensation as the City Council may by ordinance direct, but his compensation shall not be changed during his term of office. [See § 237.

85. *Compensation of Aldermen and Trustees.*] § 14. The Aldermen and Trustees may receive such compensation for their services as shall be fixed by ordinance: *Provided, however,* such compensation shall not exceed \$3 to each Alderman or Trustee for each meeting of the City Council, or Board of Trustees, actually attended by him, and no other compensation than for attendance upon such meetings shall be allowed to any Alderman or Trustee for any services whatsoever. Such compensation shall not be changed, after it has been once established, so as to take effect as to any Alderman or Trustee voting for such change, during his term of office. [See § 237.

86. *Compensation of other officers.*] § 15. All other officers may receive a salary, fees or other compensation to be fixed by

ordinance, and after the same has been once fixed, such fees or compensation shall not be increased or diminished, to take effect during the term for which any such officer was elected or appointed; and every such officer shall make and return to the Mayor, or President of the Board of Trustees, a semi-annual report, verified by affidavit, of all such fees and emoluments received by him. [See "Fees and Salaries," ch. 53, § 38.]

87. *Administering oaths.*] § 16. The Mayor of any city, and Clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions.

ARTICLE VII.

OF FINANCE.

Section.

- 88. Fiscal year.
- 89. Annual appropriation ordinance.
- 90. Limitation — emergency—borrowing money.
- 91. Contracting liabilities limited.
- 92. Duties of Treasurer.
- 93. Separate accounts.
- 94. Receipts.
- 95. Monthly statements — warrants — vouchers, register.
- 96. Deposit of funds—separate from his own.
- 97. Treasurer's annual report—publication.
- 98. Warrants.
- 99. Special assessment funds kept separate.

CITY COLLECTOR.

- 100. His duties.

Section.

- 101. He shall report, etc.—publication.
- 102. Not to detain money—penalty.
- 103. Examination of his books—paying over.

CITY COMPTROLLER.

- 104. His powers and duties.
- 105. Council may define duties—transfer of Clerk's financial duties.
- 106. Record of bonds issued by city.

GENERAL PROVISIONS.

- 107. Further duties may be required of officers.
- 108. Appeal to finance committee.
- 109. Who may appoint subordinates—liability.
- 110. Foreign insurance companies — license, etc., penalties.

88. *Fiscal year.*] § 1. The fiscal year of each city or village organized under this act shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance.

89. *Annual appropriation ordinance.*] § 2. The City Council of cities, and Board of Trustees in villages, shall, within the first quarter of each fiscal year, pass an ordinance, to be termed the annual appropriation bill, in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount

appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by a petition signed by them, or at a general or special election duly called therefor. [See § 245, 253.]

90. *Limitation—emergency—borrowing money.*] § 3. Neither the City Council nor the Board of Trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: *Provided, however,* that nothing herein contained shall prevent the City Council or Board of Trustees from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The City Council or Board of Trustees may, by a like vote, order the Mayor or President of the Board of Trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close of the next fiscal year—which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the Mayor, or President of the Board of Trustees and finance committee, under the sanction of the City Council or Board of Trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year—which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein. [See § 245.]

91. *Contracting liabilities limited.*] § 4. No contract shall be hereafter made by the City Council or Board of Trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the City Council or Board of Trustees or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided. [See Crim. Code, ch. 38, § 208.]

92. *Duties of Treasurer.*] § 5. The Treasurer shall receive

all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the City Council or Board of Trustees.

93. *Separate accounts.*] § 6. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

94. *Receipts.*] § 7. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon what account paid; and he shall also file copies of such receipts with the Clerk, at the date of his monthly reports.

95. *Monthly statements—warrants—vouchers—register.*] § 8. The Treasurer shall, at the end of each and every month, and oftener if required, render an account to the City Council or Board of Trustees, or such officer as may be designated by ordinance, (under oath,) showing the state of the treasury at the date of such account, and the balance of the money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the Clerk, and filed with his said account in the Clerk's office, upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid.

96. *Deposit of funds—separate from his.*] § 9. The Treasurer may be required to keep all moneys in his hands, belonging to the corporation, in such place or places of deposit as may be designated by ordinance: *Provided, however,* no such ordinance shall be passed by which the custody of such money shall be taken from the Treasurer and deposited elsewhere than in some regularly organized bank, nor without a bond to be taken from such bank, in such penal sum and with such security as the City Council or Board of Trustees shall direct and approve, sufficient to save the corporation from any loss; but such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied or to be levied, by the corporation. The Treasurer shall keep all moneys belonging to the corporation in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this pro-

vision shall subject him to immediate removal from office by the City Council or Board of Trustees, who are hereby authorized to declare said office vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed. [See "Crim. Code," ch. 38, § 80, 81.

97. *Treasurer's annual report — publication.*] § 10. The Treasurer shall report to the City Council or Board of Trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report, and he shall, annually, between the first and tenth of April, make out and file with the Clerk a full and detailed account of all such receipts and expenditures, and of all his transactions, as such Treasurer, during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year; which account the clerk shall immediately cause to be published in a newspaper printed in such city, if there be one, and if not, then by posting the same in a public place in the Clerk's office.

98. *Warrants.*] § 11. All warrants drawn upon the Treasurer must be signed by the Mayor and countersigned by the Clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as hereinafter provided.

99. *Special assessment funds kept separate.*] § 12. All moneys received on any special assessment shall be held by the Treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

CITY COLLECTOR.

100. *His duties.*] § 13. It shall be the duty of the Collector, when one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the City Council may prescribe. Such warrants, books, and all papers pertaining to his office, shall at all times be open to the inspection of and subject to the examination of the Mayor, City Clerk, any member of the Council, or committee thereof. He shall weekly, and oftener if required by the Council, pay over to the Treasurer all moneys collected by him from any source whatever, taking such Treasurer's receipt therefor, which receipt he shall immediately file with the City

Clerk; but the City Clerk shall, at the time, or on demand, give such Tax Collector a copy of any such receipt so filed.

101. *He shall report, etc.—publication.*] § 14. He shall make a report, in writing, to the Council, or any officer designated by the Council, of all moneys collected by him, the account whereon collected, or of any other matter in connection with his office, when required by the Council or by any ordinance of the city. He shall also, annually, between the first and tenth of April, file with the Clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return on all warrants which he shall have returned, during the preceding fiscal year, to the City Clerk. The City Clerk shall publish or post the same, as hereinbefore required to be done in regard to the annual report of the Treasurer. [See § 97.

102. *Not to detain money—penalty.*] § 15. The Collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same to the Treasurer, and any violation of this provision will subject him to immediate removal from office. [See Crim. Code, ch. 38, § 80, 81.

103. *Examination of his books—paying over.*] § 16. All the City Collector's papers, books, warrants and vouchers may be examined at any time by the Mayor or Clerk, or any member of the City Council; and the Collector shall every two weeks, or oftener if the City Council so direct, pay over all money collected by him from any person or persons, or associations, to the Treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the Clerk.

CITY COMPTROLLER.

104. *His powers and duties.*] § 17. The City Comptroller (if there shall be any City Comptroller appointed, if not, then the Clerk) shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection or disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge, custody and control of all deeds, leases, warrants, vouchers, books and papers of any kind, the custody and control of which is not herein given to any other officers; and he shall, on or before the fifteenth day of May, in each year, and before the

annual appropriations to be made by the City Council or Board of Trustees, submit to the City Council or Board of Trustees a report of his estimates, as nearly as may be, of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose of making such report, he is authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the Council or Board of Trustees as he may deem necessary, to the end that the City Council or Board of Trustees may fully understand the money exigencies and demands upon the corporation for the current year.

105. *Council may define the duties—transfer of Clerk's financial duties.*] § 18. When there shall be appointed in any city a Comptroller, the City Council may, by ordinance or resolution, confer upon him such powers, and provide for the performance of such duties by him, as the City Council shall deem necessary and proper; and all the provisions of this act relating to the duties of City Clerk, or the powers of City Clerk in connection with the finances, the Treasurer and Collector, or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such Comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore the word "Clerk" is used, it shall be held to mean "Comptroller;" and wherever the "Clerk's office" is referred to, it shall be held to mean "Comptroller's office."

106. *Record of bonds issued by city.*] § 19. The Comptroller, when there shall be a Comptroller, and if not, then the Clerk, shall keep in his office, in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued; and when any city bonds are purchased, or paid, or canceled, said book or books shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

GENERAL PROVISIONS.

107. *Further duties may be required.*] § 20. The Collector and Treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations as the City Council or Board of Trustees may, from time to time, by ordinance, provide and establish.

108. *Appeal to finance committee.*] § 21. In the adjustment of the accounts of the Collector or Treasurer with the Clerk (or Comptroller if there shall be one), there shall be an appeal to the finance committee of the Council or Board of Trustees, whose decision in all matters of controversy arising between said officers shall be binding, unless the City Council or Board of Trustees shall otherwise direct and provide.

109. *Who may appoint subordinates.*] § 22. The Comptroller (if there shall be one), the Clerk, Treasurer and Collector, shall, severally, appoint such various clerks and subordinates in their respective offices as the City Council or Board of Trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so appointed by them.

110. *Foreign insurance companies—licenses, etc.—penalties.* § 23. All corporations, companies or associations not incorporated under the laws of this State, engaged in any city in effecting fire insurance, shall pay to the Treasurer the sum of \$2 upon the \$100 of the net receipts by their agency in such city, and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received for any insurance effected, or agreed to be effected in the city or village, by or with such corporation, companies or associations, respectively. Every person who shall act in any city or village as agent or otherwise, for or on behalf of any such corporation, company or association, shall on or before the fifteenth day of July and January, in each year, render to the Comptroller (if any there be, if not, to the Clerk,) a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire insurance. Such agents shall also pay over to the Treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or

before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city or village, until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding \$1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of any such city or village, as for money had and received for its use: *Provided*, that this section shall only apply to such cities and villages as have an organized fire department, or maintain some organization for the prevention of fires. [See "Insurance," ch. 73, § 30.]

ARTICLE VIII.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

Section.

- 111. Ordinance levying tax.
- 112. Manner of collecting.
- 113. Time of paying over.

Section.

- 114. When tax levied for particular purpose.
- 115. Tax to be uniform.

111. *Ordinance levying tax.*] § 1. The City Council in cities, and Board of Trustees in villages, may assess and collect taxes for corporate purposes, in the following manner: The City Council or Board of Trustees, as the case may be, shall, on or before the second Tuesday in *September* (August), in each year, ascertain the total amount of appropriations for all corporate purposes, legally made, and to be collected from the tax levy of that fiscal year, and by ordinance levy and assess such amount, so ascertained, upon the real and personal property within the city or village subject to taxation, as the same is assessed for State and county purposes for the current year. A certified copy of such ordinance shall be filed with the County Clerk of the proper county, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for State and county purposes, will produce a net amount not less than the amount so directed to be levied and assessed; and it shall

be the duty of the County Clerk to extend such tax, in a separate column, upon the book or books of the Collector or Collectors of State and county taxes within such city or village. [See § 114. "Revenue," ch. 120, § 122.

112. *Manner of collecting.*] § 2. The tax so assessed shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officers collecting the same to the Treasurer of the city or village.

113. *Time of paying over.*] § 3. It shall be the duty of the officer collecting such tax to settle with and pay over to such Treasurer, as often as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall be paid over. [See "Revenue," ch. 120, § 138, 164, 167, 243, 244.

114. *When tax levied for particular purpose.*] § 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the City Council or Board of Trustees, and certified to the County Clerk as aforesaid; but the City Council or Board of Trustees shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village Treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged.

115. *Uniformity.*] § 5. All taxes levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the Constitution and general laws of the State. [See Const., art. 9, § 9.

ARTICLE IX.

SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

Section.

- 116. Powers conferred.
- 117. Ordinance for improvement.
- 118. When property is taken.
- 119. Petition.
- 120. Form of petition.
- 121. Summons—publication—notice.
- 122. Hearing—jury.
- 123. Jury to ascertain compensation—admitting other parties.
- 124. Viewing premises—ownership, etc.
- 125. Judgment—new parties—further proceedings.
- 126. Powers of court.
- 127. Ownership—further powers of court.
- 128. Persons under disability.
- 129. Judgment—effect—appeal, etc.
- 130. Order for possession.
- 131. When improvement made by general tax.
- 132. Special taxation.

SPECIAL ASSESSMENT.

- 133. How made.
- 134. Ordinance for—sidewalks—owner's rights.
- 135. Estimate of cost.
- 136. Order for proceedings in court.
- 137. Petition to court.
- 138. Appointment of commissioners—oath.
- 139. Duty of commissioners.
- 140. Assessment roll—return.
- 141. Notice by mail, posting and publication.
- 142. Proof of notice.

Section.

- 143. Continuance when notice not in time.
- 144. Objections—judgment by default.
- 145. Hearing—jury.
- 146. Precedence.
- 147. Court may modify, etc., the assessment.
- 148. Judgment several, appeal, etc.—lien.
- 149. Judgment certified to City Clerk—filing—warrant.
- 150. Form of warrant.
- 151. Collector's notice form of.
- 152. Manner of collecting—entry of payment.
- 153. Report of delinquent list to County Collector—evidence—defense.
- 154. Application for judgment—what laws govern.
- 155. Return of sales—redemption.
- 156. Penalty when lands paid are sold for tax, etc.
- 157. Paying over—compensation.
- 158. General revenue laws apply.
- 159. City or village may buy in.
- 160. When assessment set aside—new assessment.
- 161. Supplemental assessments.
- 162. New assessments against delinquents—lien—limitation.
- 163. Contracts payable from assessments.
- 164. How contracts let—approval.
- 165. Lien.
- 166. Collection of assessments by suit.
- 167. Supplemental petition to assess benefits in condemnation case.
- 168. Adoption of this article.

116. *Powers conferred.*] § 1. That the corporate authorities of cities and villages are hereby vested with power to make local improvements by special assessment or by special taxation, or both, of contiguous property, or general taxation, or otherwise, as they shall by ordinance prescribe. [See Const., art. 9, § 9; "Plats," ch. 109, § 1-10.]

117. *Ordinance for improvement.*] § 2. When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall, by the same ordinance, prescribe whether the same shall be made by a special assessment or by special taxation of contiguous property, or general taxation, or both.

118. *When property is taken, etc.*] § 3. Should said ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as follows:

119. *Petition.*] § 4. Whenever any such ordinance shall be passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act, or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use, such city or village shall file a petition in some court of record of the county in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement, or purpose specified in such ordinance, shall be ascertained by a jury." [See Const., art. 2, § 13.

120. *Form of petition.*] § 5. Such petition shall contain a copy of the said ordinance, certified by the Clerk, under the corporate seal; a reasonably accurate description of the lots, parcels of land and property which will be taken or damaged, and the names of the owners and occupants thereof, so far as known to the Board or officer filing the petition, and where any known owners are non-residents of the State, stating the fact of such non-residence.

121. *Summons—publication—notice.*] § 6. Upon the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, as in cases in chancery. And in case any of them are unknown, or reside out of this State, the Clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or if there be no newspaper published in his county, then in some newspaper published in this State, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case, and the nature of said proceeding; such publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served.

122. *Hearing—jury.*] § 7. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition,

and shall impanel a jury to ascertain the just compensation to be paid to all of such owners and occupants aforesaid; but if any defendant or party in interest shall demand, or the court shall deem it proper, separate juries may be impaneled as to the compensation or damages to be paid to any one or more of such defendants or parties in interest.

123. *Jury to ascertain compensation—admitting other parties.*] § 8. Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such person's name, or such lot, parcel of land, or other property, is mentioned or described in such petition: *Provided*, such person shall first be admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property in respect to which he claims compensation.

124. *Viewing premises—ownership, etc.*] § 9. The court may, upon the motion of such city or village, or of any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case, where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged, and for the entire interests therein.

125. *Judgment—new parties—further proceedings.*] § 10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause, from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants, for private property taken or damaged; and like proceeding shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.

126. *Powers of court.*] § 11. The court shall have power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with process, has ceased to be such owner or owners since the filing of such petition, to

impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same; and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment or decree as the nature of the case may require.

127. *Ownership—further powers of court.*] § 12. No delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

128. *Persons under disability.*] § 13. When it shall appear, from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person, is interested in any property that is to be taken or damaged, the court shall appoint a guardian, *ad litem*, for such infant or insane or distracted person, to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.

129. *Judgment—effect—appeal, etc.*] § 14. Any final judgment or judgments, rendered by said court, upon any finding or findings of any jury or juries shall be lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinafter provided. It shall be final and conclusive as to the damages caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered in a sum to be fixed and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

130. *Order for possession.*] § 15. The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given in case of any appeal or writ of error), shall enter an order that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.

131. *When improvement made by general tax.*] § 16. When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general appropriation bill of such city or village, and shall be levied and collected with and as a part of the general taxes of such city or village.

132. *Special taxation.*] § 17. When said ordinance under which said local improvement shall be ordered shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

SPECIAL ASSESSMENT.

133. *How made.*] § 18. When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be wholly or in part made by special assessment, the proceedings for the making such special assessment shall be in accordance with the sections of this *act* [article] from 18 to 51, inclusive.

134. *Ordinance for—sidewalks—owner's rights.*] § 19. Whenever such local improvements are to be made wholly or in part by special assessment, the said Council in cities, or Board of Trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: *Provided*, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed fifteen days after the time at which such ordinance shall take effect in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment: *Provided*, that the work so to be done shall in all respects conform to the requirements of such ordinance.

135. *Estimate of cost.*] § 20. The City Council or Board of Trustees shall appoint three of its members, or any other three

competent persons, who shall make an estimate of the cost of the improvement contemplated by such ordinance, including labor, materials, and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said Council or Board of Trustees.

136. *Order for proceedings in court.*] § 21. On such report being made, and approved by the Council or Board of Trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the county court of its county, for proceedings to assess the cost of such improvement in the manner provided in this act.

137. *Petition to court.*] § 22. The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law.

138. *Appointment of commissioners—oath.*] § 23. Upon the filing of such petition the court shall appoint three competent persons as commissioners, who shall take and subscribe an oath, in substance as follows, to-wit:

STATE OF ILLINOIS, } ss.
 County. }

We, the undersigned, commissioners, appointed by the county court of county, to assess the cost of (here state in general terms the improvement), do solemnly swear (or affirm, as the case may be,) that we will a true and impartial assessment make of the cost of said improvement upon the city (or village) of, and the property benefited by such improvement, to the best of our ability and according to law.

139. *Duty of commissioners.*] § 24. It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of land that will be specially benefited thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefited, and apportion the same between the city or village and such property, so that each shall bear its relative equitable proportion, and having found said amounts, to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by such improvement: *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited: *And, provided, further*, that it shall not be necessary for said commissioners to examine the locality except where the ordinance provides for the opening, widening or improvement of streets and alleys.

[§ 25 repealed by act approved April 25, 1873.]

140. *Assessment roll—return.*] § 26. They shall also make or cause to be made an assessment roll, in which shall appear the names of the owners, so far as known, a description of each lot, block, tract or parcel of land, and the amount assessed as special benefits thereto, and in which they shall set down as against the city or village the amount they shall have found as public benefit, and certify such assessment roll to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had.

141. *Notice by mail, posting and publication.*] § 27. It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

First—They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice, substantially in the following form:

Mr. Your (here give a short description of the premises,) is assessed \$.... for public improvement. The assessment roll will be returned to the term of the county court of county.
(Here give date.)

.....
.....
.....
Commissioners.

Second—They shall cause at least ten days' notice to be given, by posting notices in at least four public places in such city or village, two of which shall be in the neighborhood of such proposed improvement, and when a daily newspaper is published in such city or village, by publishing the same at least five successive days in such daily newspaper, or if no daily newspaper is published in such city or village, and a weekly newspaper is published therein, then at least once in each week, for two successive weeks, in such weekly newspaper, or if no daily or weekly newspaper is published in such city or village, then in a newspaper published in the county in which such city or village is situated. The notice may be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested, that the City Council (or Board of Trustees, as the case may be,) of, having ordered that (here insert the description and nature of improvements substantially as in ordinance,) have applied to the county court of county for an assessment of the cost of said improvements, according to benefits: and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the term of said court, commencing on the day of, A. D. 18.. All persons desiring may then and there appear and make their defense.

(Here give date.)

.....
.....
.....
Commissioners.

142. *Proof of notice.*] § 28. On or before the final hearing,

the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent or caused to be sent by mail, to the owners whose premises have been assessed, and whose name and place of residence are known to them, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices.

143. *Continuance when notice not in time.*] § 29. If ten days shall not have elapsed between the first publication or the putting up of such notices and the first day of the next term of such court, the hearing shall be continued until the next term of court.

144. *Objections—judgment by default.*] § 30. Any person interested in any real estate to be affected by such assessment, may appear and file objections to such report, and the court may make such order in regard to the time of filing such objections as may be made in cases at law in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

145. *Hearing—jury.*] § 31. On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

146. *Precedence.*] § 32. The hearing in all cases arising under this act shall have precedence over all other cases in such court, except criminal cases.

147. *Court may modify, etc., the assessment.*] § 33. The court before which any such proceeding may be pending shall have authority, at any time before final *adjournment* [judgment], to modify, alter, change, annul or confirm any assessment returned, as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the

attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may from time to time, as may be necessary, continue the application for that purpose as to the whole or any part of the premises.

148. *Judgment several—appeal, etc.—lien.*] § 34. The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judgment or writ of error shall not invalidate or delay the judgment, except as to the property concerning which the appeal or writ of error is taken. Such judgment shall be a lien upon the property assessed, from the date thereof until payment shall be made.

149. *Judgment certified to City Clerk—filing—warrant.*] § 35. The clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the clerk of such city or village, or if there has been an appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not included in such appeal or writ of error. The clerk of the city or village shall file such certificate in his office, and issue a warrant for the collection of such assessment.

150. *Form of warrant.*] § 36. The warrant in all cases of assessment under this act shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.

151. *Collector's notice—form of.*] § 37. The Collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvement. Such notice may be substantially in the following form :

SPECIAL ASSESSMENT NOTICE. SPECIAL WARRANT No. ...

Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment upon property benefited by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in the office of the clerk of

the city (or village) of.....; that a warrant for the collection of such assessments is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed, at the Collector's office (here insert location of office) within thirty days from the date hereof.

Dated this.....day of....., A.D. 18....

....., *Collector.*

152. *Manner of collecting — entry of payment.*] § 38. It shall be the duty of the Collector into whose hands the warrant shall so come, as far as practicable, to call upon all persons resident within the corporation whose names appear on the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notice left at his or her usual place of abode, inform them of such assessment, and request payment of the same. Any such Collector omitting so to do shall be liable to a penalty of \$10 for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special [assessment,] shall not be affected by such omission. It shall be the duty of such Collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and post office address of the person making the payment, and date of payment.

153. *Report of delinquent list to County Collector—evidence —defense.*] § 39. It shall be the duty of the Collector of special assessments, within such time as the City Council or Board of Trustees may by ordinance provide, to make a report in writing — to the general officer of the county authorized, or to be designated by the general revenue law of this State, to apply for judgment and sell lands for taxes due the county and State — of all the lands, town lots and real property on which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrant, or with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied with the oath of the Collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of.....(or village of....., as the case may be,) remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrants had been received by him for collection. Said report, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And, upon the application for judgment upon such assessment, no defense or objection shall be made or heard which might have

been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

154. *Application for judgment—what laws govern.*] § 40. When said general officer shall receive the report provided for in the preceding section, he shall at once proceed to obtain judgment against said lots, parcels of land and property for said special assessments remaining due and unpaid, in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and State; and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this State, except when otherwise provided herein. [See "Revenue," ch. 120, § 182, *seq.*

155. *Return of sales—redemption.*] § 41. After making said sales, the list of lots, parcels of land and property sold thereat shall be returned to the office of the County Clerk, and redemption may be made as provided for by the general revenue law of this State. [See "Revenue," ch. 120, § 210–215.

156. *Penalty when lands paid are sold for tax, etc.*] § 42. If the Collector shall receive any moneys for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterwards return the same as unpaid to the State officers authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.

157. *Paying over—compensation.*] § 43. The Collector or Collectors, and the general officer aforesaid, to whom the said warrant shall be returned, shall pay over to the city or village Treasurer to which it shall belong all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinances of the city or village may provide, except when such compensation is fixed by general law.

158. *General revenue laws apply.*] § 44. The general revenue laws of this State, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the

execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment. [See "Revenue," ch. 120, § 191-225.]

159. *City or village may buy in.*] § 45. Any city or village interested in the collection of any tax or special assessment, may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

160. *When assessment set aside—new assessment.*] § 46. If any assessment shall be annulled by the City Council or Board of Trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like rights, and the City Council or Board of Trustees and court shall perform like duties and have like power in relation to any subsequent assessment, as are hereby given in relation to the first assessment.

161. *Supplemental assessments.*] § 47. If, in any case, the first assessment prove insufficient, a second may be made in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be raised, the excess shall be refunded ratably to those by whom it was paid.

162. *New assessments against delinquents—lien—limitation.*] § 48. If, from any cause, any city or village shall fail to collect the whole or any portion of any special assessment which may be levied, which shall not be canceled and set aside by the order of any court, for any public improvement authorized to be made and paid for by special assessment, the City Council or Board of Trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment—which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the City Council or Board of Trustees may, at any time within said period of

five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered within that period.

163. *Contracts payable from assessments.*] § 49. All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon the city or village in any event, except from the collections of the special assessments made for the work contracted for.

164. *How contracts let—approval.*] § 50. All contracts for the making of any public improvement, to be paid for in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed \$500, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance—such contracts to be approved by the Mayor or President of the Board of Trustees: *Provided, however,* any such contract may be entered into by the proper officer without advertising for bids, and without such approval, by a vote of two-thirds of all the Aldermen or Trustees elected.

165. *Lien.*] § 51. All special assessments levied by any city or village under this act, shall from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the Collector, upon any warrant or order issued or made for the collection of special assessments, as in the case of the collection of State and county taxes under the general laws of the State.

166. *Collection by suit.*] § 52. At any time after the same becomes due, it shall and may be lawful for any Collector thereof to commence suit in any court of record, in the corporate name of such city or village, against any person or persons, for the total amount of special assessments which such person or persons are liable for the payment of. Such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered, and give a general description of the warrant or warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served and

returned as in other suits in such court. Upon the return of such summons, duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all or any part of the special assessments, as the right and justice of the case may require. The original, or a certified copy (by the Clerk, under the corporate seal,) of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be *prima facie* evidence of the right of said collector to a judgment in favor of such corporation. Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a *scire facias* against the person or persons liable for such payment, to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such *scire facias*, good cause is not shown why execution should not issue, the court may award execution against such person or persons in the usual form of execution upon judgments at law.

167. *Supplemental petition to assess benefits in condemnation case.*] § 53. Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this act, such city or village may file in the same proceeding a supplemental petition, praying the court to cause that an assessment be made for the purpose of raising the amount necessary to pay the compensation and damages which may be or shall have been awarded for the property taken or damaged, with the costs of the proceeding. The said court shall have power, at any time after any such supplemental petition shall have been filed, to appoint three commissioners to make such assessment, and to ascertain, as near as may be, the cost incurred to the time of such appointment, and the probable further costs of the proceedings, including therein the estimated costs of making and collecting such assessment, and shall direct such costs to be included by such commissioners in making said assessment. Like proceedings in making said assessment shall be had, and the assessment shall be made, collected and enforced in the same manner, as near as may be, as is provided in this article in other cases.

168. *Adoption of this article.*] § 54. Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof.

ARTICLE X.

MISCELLANEOUS PROVISIONS—WATER.

Section.

169. Water—borrow money therefor.
 170. Acquiring property for water works—jurisdiction over.
 171. Regulations—rates—taxation, etc.
 172. Tax-payer may enforce rights in name of city.

Section.

173. Maps—approval of.
 174. Inhabitants, competent as jurors, etc.
 175. Population—census.
 176. Municipal year.
 177. City or village need not give appeal bond.

169. *Water—borrow money therefor.*] § 1. The City Council or Board of Trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs or water works. [See § 227–236.

170. *Acquiring property for water works—jurisdiction over.*] § 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend. [See § 229, also “Eminent Domain,” ch. 47.

171. *Regulations—rates, taxation, etc.*] § 3. The City Council or Board of Trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collecting of any water taxes, rates or assessments, as the said City Council or Board of Trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or join any street, avenue or alley in such city or village through which the distrib-

uting pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: *Provided*, [whether] the water shall be used on such lot or parcel of ground or not; and the same, when so leyied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as the City Council may, by ordinance prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.

172. *Tax-payer may enforce rights in name of city, etc.* § 4. A suit may be brought by any tax-payer, in the name and for the benefit of the city or village, against any person or corporation, to recover any money or property belonging to the city or village, or for any money which may have been paid, expended, or released without authority of law: *Provided*, that such tax-payer shall file a bond for all costs, and be liable for all costs in case the city or village be cast in the suit, and judgment shall be rendered accordingly.

173. *Maps—approval of.* § 5. The City Council or Board of Trustees shall have power to provide, by ordinance, that any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to the City Council or Board of Trustees, or to some officer to be designated by such Council or Board of Trustees, for their or his approval; and in such cases no such map, plat or subdivision shall be entitled to record in the proper county, or have any validity until it shall have been so approved. [See “Recorders,” ch. 115, § 13.]

174. *Inhabitants competent as jurors, etc.* § 6. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant or freeholder in said city or village, in any action or proceeding in which said city or village may be a party in interest.

175. *Population—census.* § 7. Whenever in this act any provision thereof is based upon the number of inhabitants, [the number of inhabitants] of the city or village shall be determined by reference to the latest census taken by authority of the United States or this State, or of such city or village; and it shall be the duty of the Secretary of State, upon the publication of any State or United States census, to certify to each city or village the number of inhabitants, as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such

population for any and all purposes of this act. And the several courts in this State shall take judicial notice of the population of any city or village, as the same may appear from the latest Federal, State, city or village census so taken.

176. *Municipal year.*] § 8. The term "municipal year" shall be construed to mean the period elapsing between the regular annual election, unless otherwise provided by ordinance.

177. *City or village need not give appeal bond.*] § 9. When in any suit the city or village prays an appeal from the judgment of any court of this State to a higher court, it shall not be required to furnish an appeal bond.

ARTICLE XI.

OF THE ORGANIZATION OF VILLAGES.

This article, except the sixteenth section thereof, having reference solely to villages, is omitted.

193. *No incorporation allowed under former laws.*] § 16. After the taking effect of this act, no town or city shall become incorporated under any other general law then in force for the incorporation of towns or cities.

The foregoing is the law as it appears in the revision of 1874. Since then the following amendments have been made:

I.

CITIES AND VILLAGES.

AN ACT to amend section ten (10), of article five (5), of "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 10, of article 5, of said act, be amended so as to read as follows, viz:

Jurisdiction over waters—street labor. "§ 10. The city or village government shall have jurisdiction upon all waters within or bordering on the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the State; and may by ordinance, require every able-bodied male inhabitant of such city or village, above the age of twenty-one years and under the age of fifty years, (excepting paupers,

idiots, lunatics and such others as are exempt by law,) to labor on the streets and alleys of such city or village, not more than three days in each year, but such ordinance shall provide for commutation of such labor at not more than one dollar and fifty cents per day."

Approved April 10, 1875.

II.

OF THE ORGANIZATION OF CITIES.

AN ACT to amend an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872. Approved May 25, 1877. In force July 1, 1877.

Section 1. How towns may become cities.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section four (4) of article one (1) of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, be amended so as to read as follows:

"§ 4. *How towns may become cities.*] Any incorporated town or village, in this State, having a population of not less than one thousand (1,000) inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the President and Trustees of such town or village shall, respectively, perform the same duties relative to such change of organization as is above required to be performed by the Mayor and Council of cities.

Approved May 25, 1877.

III.

ELECTION OF CITY OFFICERS.

AN ACT to amend section one of article four of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872. Approved and in force March 9, 1877.

Section 1. Annual election.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That section one of article four of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, be and the same is hereby amended, so that hereafter it shall read as follows:

§ 1. *Annual election.*] A general election for city officers shall be held on the third Tuesday of April, of each year: *Provided*, that in cities which include wholly within their corporate limits a town or towns, such election shall be held on the first Tuesday of April.

§ 2. [Emergency clause—omitted.]

Approved March 9, 1877.

IV.

ELECTION OF MAYOR, CITY CLERK, ATTORNEY AND TREASURER.

AN ACT to amend an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872. Approved and in force March 26, 1877.

Section 1. Election of Mayor, City Clerk, Attorney and Treasurer.

"SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That section two (2), article four (4), of an act of the General Assembly of Illinois, entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, be and the same is hereby amended so that it shall read as follows:

"§ 2. *Election of Mayor, City Clerk, Attorney and Treasurer.*] At the general election held in 1877, and biennially thereafter, a Mayor, a City Clerk, a City Attorney, and a City Treasurer shall be elected in each city: *Provided*, That no person shall be elected to the office of City Treasurer for two terms in succession."

§ 2. [Emergency clause—omitted.]

Approved March 26, 1877.

V.

POWER OF MAYOR.

AN ACT to amend section 7 of article 2 of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872. In force July 1, 1872. Approved May 31, 1879. In force July 1, 1879.

Section 7. When he may remove officers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 7 of article 2 of "An act to provide for the incorporation of cities and

villages, approved April 10, 1872, in force July 1, 1872, be amended so as to hereafter read as follows:

§ 7. *When he may remove officers.*] The Mayor shall have power to remove any officer appointed by him on any formal charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the Council at a meeting to be held not less than five days nor more than ten days after such removal; and if the Mayor shall fail, or refuse to file with the City Clerk a statement of the reasons for such removal, or if the Council by a two-thirds ($\frac{2}{3}$) vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. No officer shall be removed a second time for the same offense.

Approved May 31st, 1879.

VI.

ORDINANCE LEVYING TAX.

AN ACT to amend section (1) of article eight (8) of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10th, 1872. Approved May 28th, 1879. In force July 1, 1879.

Section 1. Ordinance levying tax—limitation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one (1) of article eight (8) of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, be and the same is hereby amended to read as follows:

§ 1. *Ordinance levying tax—limitation.*] The City Council in cities, and Boards of Trustees in villages, may levy and collect taxes for corporate purposes in the manner following: The City Council or Boards of Trustees, as the case may be, shall annually, on or before the third (3d) Tuesday in September, in each year, ascertain the total amount of appropriations for all corporate purposes legally made and to be collected from the tax levy of that fiscal year; and, by an ordinance, specifying in detail the purposes for which such appropriations are made, and the sum or amount appropriated for each purpose, respectively, levy the amount so ascertained upon all the property subject to taxation within the city or village, as the same is assessed and equal-

ized for State and county purposes for the current year. A certified copy of such ordinance shall be filed with the County Clerk of the proper county, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for State and county purposes, will produce a net amount not less than the amount so directed to be levied; and it shall be the duty of the County Clerk to extend such tax in a separate column upon the book or books of the Collector or Collectors of State and county taxes, within such city or village: *Provided*, the aggregate amount of taxes levied for any one (1) year, exclusive of the amount levied for the payment of bonded indebtedness or the interest thereon, shall not exceed the rate of two (2) per centum, upon the aggregate valuation of all property within such city or village, subject to taxation therein, as the same was equalized for State and county taxes of the preceding year.

Approved May 28th, 1879.

VII.

ANNUAL ELECTION.

AN ACT to amend section 13 of article 11 of an act entitled "An act to provide for the incorporation of cities and villages" approved April 10th, 1872, in force July 1st, 1872. Approved and in force March 8, 1879.

Section 13. Annual election.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 13 of article 11 of an act entitled "An act to provide for the incorporation of cities and villages" approved April 10, 1872, in force July 1, 1872, be amended to read as follows:

§ 13. *Annual election.*] An annual election of Trustees and a Clerk of villages shall be held on the third Tuesday of April in each year: *Provided*, that in villages the territorial limits of which coincide with the territorial limits of any township, an election of Trustees and a Clerk of village shall be held at the same time and at the same polling places as the annual township election to-wit: On the first Tuesday of April in each year. Special elections may be held, under such regulations as may be provided by ordinance, to fill vacancies and for other purposes.

§ 2. [Emergency clause—omitted.]

Approved March 8th, 1879.

VIII.

CHANGING FROM CITY TO VILLAGE.

AN ACT to amend an act entitled "An act to provide for the incorporation of cities and villages," approved April 10th, A. D. 1872, in force July 1st, 1872. Approved May 29, 1879. In force July 1, 1879.

Section 1. Changing from city to village.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said act, entitled, "An act to provide for the incorporation of cities and villages," be amended by adding the following section thereto:

Changing from city to village.] That it shall be the duty of the Mayor and Common Council of any city, upon the petition of one-fourth of the legal voters thereof, and upon ten days previous notice of such application by the City Clerk published in some newspaper printed in said city, or by posting such notices in five of the most public places within said city, for said period in case no such newspaper is printed in said city, to fix the time and call an election to decide whether said city shall be organized into a village. That said election shall be governed by the provisions of sections fifty (50), fifty-six (56) and fifty-seven (57) of said act, and the legal voters at said election shall vote for or against the organization of said city into a village, and the tickets shall be written or printed "*For village organization,*" or "*Against village organization,*" and if there be a majority of the votes cast at said election in favor of the organization of said city into a village, then said city shall be a village within the meaning of said act under its former name so changed, and shall succeed to all rights and be liable for all the debts and legal liabilities of said city, and the Mayor of said city shall, within ten days after said election, give notice of the time and place for the election of Trustees as near as may be, as provided for under section one hundred and eighty-four (184) and one hundred and eighty-five (185) of said act, who shall hold their offices until the next regular election: *Provided*, that after one election shall have taken place, no other election for a like purpose until one year shall have elapsed.

Approved May 28th, 1879.

INCORPORATION UNDER GENERAL LAW.

IX.

Section 1. Petition to incorporate—submission of question at next ensuing municipal election.

AN ACT to amend section one (1) of article one (1) of "An act to provide for the incorporation of cities and villages," approved April 10, 1872. In force February 26, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one (1) of article one (1) of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, be and the same is hereby amended so as to read as follows:

§ 1. That any city now existing in this State may become incorporated under this act in the manner following: Whenever one-eighth of the legal voters of such city, voting at the last preceding municipal election, shall petition the Mayor and Council thereof to submit the question, as to whether such city shall become incorporated under this act, to a vote of the electors in such city, it shall be the duty of such Mayor and Council to submit such question at the next ensuing municipal election of such city, or on the third Tuesday of April, as provided for in article four (4) of said act, for holding municipal elections: *Provided*, there shall be sufficient time intervening to give the notice required by law."

§ 2. [Emergency clause—omitted.]

Approved February 26, 1881.

MISCELLANEOUS STATUTES

RELATING TO CITIES.

FERRIES AND BRIDGES.

AN ACT to enable cities and villages, incorporated under any general or special law of this State, to acquire by purchase, lease or gift, establish, maintain, license and regulate ferries, bridges, the approaches thereto and tolls thereon. Approved May 22, 1877. In force July 1, 1877.

Section 1. License and regulate.

194. *License and regulate.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the corporate authorities of any city or village, now or hereafter incorporated under any special or general law of this State, to acquire by purchase, lease or gift, and maintain, license and regulate ferries and bridges, so acquired, and the approaches thereto, not exceeding four acres of land for each ferry or bridge, within the corporate limits, or within five miles of the corporate limits thereof, and from time to time fix the tolls thereon.

Approved May 22, 1877.

ANNEXING AND EXCLUDING TERRITORY.

AN ACT to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages. [Approved April 10, 1872. In force July 1, 1872. L. 1871-2, p. 264.]

Section.

- 195. Petition to be annexed—annexing.
- 196. Annexing one corporation to another.
- 197. Proceedings by corporation to annex territory.
- 198. Notice of proceedings.
- 199. Objections to annexation—trial.

Section.

- 200. Finding—costs, etc.
- 201. Proceedings by owner to be annexed.
- 202. Proceedings to disconnect.
- 203. Map and ordinance recorded.
- 204. School districts may use this act.
- 205. Judicial notice of change.

195. *Petition to be annexed—annexing.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That on petition, in writing, signed by not less than

three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the City Council or Board of Trustees of said city, village or town (as the case may be) may, by ordinance, annex such territory to such city, village or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the Mayor of the city or President of the Board of Trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: *Provided*, that no portion, less than the whole of an incorporated city, town or village, shall be annexed to another incorporated city, town or village, except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city, town or village.

196. *Annexing one corporation to another.*] § 2. Any incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the Aldermen or Trustees elect of each corporation desiring annexation: *Provided*, such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities may be commenced, and pending suits may be prosecuted and carried to final judgments and execution, the same as if such annexation had not taken place. In making such annexation, the corporations so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: *Provided, however*, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village: *And, provided, also*, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village.

197. *Proceedings by corporation to annex territory.*] § 3. When any incorporated city, village or town shall desire to annex any contiguous territory thereto, and the same shall not have been petitioned for as provided in section one of this article, it shall be lawful for the City Council or Board of Trustees of such city, village or town, by a two-thirds vote of all the Aldermen or

Trustees elect, by ordinance or resolution, to authorize the Mayor of such city or the President of the Board of Trustees of such village or town, to petition the Circuit Court of the county in which the territory desired to be annexed or a major part thereof is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an accurate map of the territory which it is desired to annex, showing all such subdivisions that shall have been made therein. Such petition shall be filed with the Clerk of the Court at least ten days before the first day of the term at which it is proposed to be heard: *Provided*, that nothing in this section contained shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two or more cities or towns, desiring to become united under this act,) shall contain an actual resident population of at least one hundred and fifty inhabitants to each section or fractional part of a section so sought to be annexed—which said fact shall be alleged in said petition and proved on the hearing thereof, the same as any other allegation in said petition.

198. *Notice of proceedings.*] § 4. When it shall be determined to present such petition, the Mayor or President of the Board of Trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been filed, and at what term of court the hearing thereof will be had, and setting forth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week, for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or, if no newspaper is published in such county, then in the nearest newspaper published in this State), and by posting up notices at least fourteen days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like number in the city, village or town to which it is desired to annex such territory.

199. *Objections to annexation—trial.*] § 5. The legal voters resident upon the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village or town, may appear at such hearing and show cause why such annexation should not be made; and the court, or a jury impaneled for that purpose (no member of a jury so impaneled shall be a resident of the corporation or territory to be annexed, nor of the town or towns in which said corporation or territory may be situated,) shall hear all competent evidence that may be offered by either party; and the court may continue the hearing from time to time, for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case.

200. *Finding—costs, etc.*] § 6. If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village or town, and can be so done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: *Provided*, that new trials may be granted as in other jury cases.

201. *Proceedings by owner to be annexed.*] § 7. When not less than a majority in number of the legal voters or the owner or owners of any tract or tracts of land, contiguous to any incorporated city, village or town, shall, by petition, in writing, signed by them, and filed in the Circuit Court of the county where such territory or a major part thereof is situated, pray to be annexed to such city, village or town, the like proceedings may be had thereon, and with the like effect, as in case of a petition by a city, village or town: *Provided*, a copy of the notice required to be given shall be left with the Mayor of such city or President of such village or town, at least ten days before such petition is heard.

202. *Proceedings to disconnect.*] § 8. Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundary thereof, shall petition the Circuit Court of the county in which such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceedings shall be had as is required by sections four, five and six of the act for the annexation of territory to such city, town or village: *Provided*, that the provisions of this section shall only apply to lands not laid out into city or town lots or blocks.

203. *Map and ordinance recorded.*] § 9. When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the Mayor of the city, or the President of the Board of Trustees of the village or town, (as the case may be,) to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such Mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or

town, a copy of the ordinance or decree therefor shall be so filed for record and recorded.

204. *School districts.*] § 10. All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or disannex territory, may proceed under the provisions of this act. [See "Schools," ch. 122, § 33.

205. *Judicial notice.*] § 11. All courts in this State shall take judicial notice of cities, towns and villages, and of the changes of their territory, made under the provisions of this act.

CHANGING NAME.

AN ACT to enable any city, town or village in this State to change its name. [Approved March 7, 1872. In force July 1, 1872.]

Section.

- 206. Petition.
- 207. Proceedings.
- 208. Duties of Secretary of State.
- 209. Time of hearing to be fixed—notice.
- 210. Hearing petition and remonstrances.

Section.

- 211. Order filed with Secretary of State—notice.
- 212. Rights saved.
- 213. When change void.
- 214. Name of unincorporated town, etc.

206. *Petition.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever a petition, signed by the qualified electors of any city, incorporated town or incorporated village of this State, equal in number to one-half of those who voted for the officers therein at the last election, shall be presented to the corporate authorities of such city, town or village, praying that the name of such city, town or village may be changed, it shall be lawful for such corporate authorities to make such change in the manner hereinafter prescribed.

207. *Proceedings.*] § 2. Previous to the presentation of the petition in the preceding section mentioned, the name proposed to be given to such city, town or village shall be filed in the office of the Secretary of State, to be there retained for the period of at least sixty days, and upon application, the Secretary of State shall, at any time after the filing of such name, grant a certificate, stating that such name has not been given to any other city, incorporated town, or incorporated village, or municipality in this State, if such be the fact; but if such name has been adopted by any other city, town, village or municipality, as appears from information in his office, the Secretary of State shall so notify the party or parties making such application, in which case another name

shall be filed in his office, which name shall likewise remain for the like period of sixty days; and no petition shall be acted upon by said corporate authorities unless accompanied by the certificate of the Secretary of State, setting forth that such name has not been adopted elsewhere in this State.

208. *Duties of Secretary of State.*] § 3. The Secretary of State shall, as soon as practicable after the passage of this act, communicate with the clerks of the several counties of this State, and ascertain the names of all the cities, towns, villages or other municipal corporations therein, and arrange such names in alphabetical order for convenient reference. Such list of names shall be kept filed in his office, and shall be changed whenever a change of name shall be effected under the provisions of this act.

209. *Time of hearing to be fixed—notice.*] § 4. At any meeting of the corporate authorities of any city, incorporated town or incorporated village, after the presentation of the petition herein provided, such corporate authorities shall fix the time when such petition shall be considered, and order notice of the presentation thereof to be given, by publishing such notice for three successive weeks in some newspaper having a general circulation in such city, town or village. Such notice shall state that a change of the name of such city, town or village has been prayed for, and the time when action on said petition will be had, at which time remonstrances, if any, will be heard.

210. *Hearing petition and remonstrances.*] § 5. At the time fixed in the notice provided for in the preceding section, or if, from any cause, action thereon is not taken, such petition praying for a change of name shall be, with all remonstrances, heard at any subsequent meeting of the corporate authorities of any such city, town or village; and if said corporate authorities are satisfied that such change of name is necessary and proper, they shall thereupon make an order changing the name of such city, town or village, and adopting the name prayed for in such petition.

211. *Order filed with Secretary of State—notice.*] § 6. If said change of name is made, said corporate authorities shall cause a copy of the order making such change to be filed in the office of the Secretary of State, who shall thereupon make known the fact of such change, by publication in some newspaper of the county in which such city, town or village is situated, and also in some newspaper in the city of Chicago; and all the courts of this State shall take judicial notice of the change thus made.

212. *Rights saved.*] § 7. Nothing in this act contained shall affect the rights or privileges of such city, town or village, or those of any person, as the same existed before such change of name. And all proceedings pending in any court or place in

favor of or against said city, town or village, may be continued to final consummation under the name in which the same was commenced.

213. *When change void.*] § 8. If the name of any such city, town or village shall be changed contrary to or without complying with the provisions of this act, such change shall be void; and all proceedings instituted or acts done in such name as changed, shall be void and held for naught in the courts of this State.

214. *Name of unincorporated town, etc.*] § 9. When the plat of any unincorporated town or village shall be placed upon record in any county of this State, the Circuit Court of said county shall have power, at any regular term of said court, to change the name of such unincorporated town or village, upon the petition of a majority of the legal voters residing within the limits of such town or village: *Provided*, notice of the proposed change of name shall be filed in the office of the Secretary of State, as provided in section two of this act.

§ 215. Omitted, not being applicable to this city.

TERRITORIAL JURISDICTION.

AN ACT to extend the jurisdiction of towns and cities on any river within or on the borders of this State, for the purpose of police regulations. Approved and in force Feb. 15, 1865. L. 1865, p. 111.

Section 216. To enforce ordinances on boats, etc.

216. *To enforce ordinances on boats, etc.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That cities and towns on any river within or on the borders of this State, shall have the right to extend and enforce their ordinances so as to include any boat or other floating structure, which shall be kept within two miles of the city or town limits, as a place for drinking spirituous liquors, or for gaming, or for the purpose of prostitution: *Provided*, no authority shall be given by this law, beyond what the law now authorizes, to interfere with any steamer or other boat, the usual business of which is the carrying of freight or passengers. [See § 44, 71.

HOUSES OF ILL-FAME.

AN ACT to prevent the licensing of houses of ill-fame, and the official inspection or medical examination of the inmates thereof, in the incorporated cities, towns and villages of this State. Approved and in force March 27, 1874.

Section 217. Licensing and medical inspection forbidden.

217. *Licensing and medical inspection forbidden.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That it shall be unlawful for the corporate authorities of any city, town or village in this State to grant a license to any person, male or female, to keep what is known as a house of ill-fame or a house of prostitution. And it shall be unlawful for any Board of Health (or any member or employee of the same) now existing, or which may hereafter exist under the laws of this State, to interfere in the management of any house of ill-fame or house of prostitution, or to provide in any manner for the medical inspection or examination of any inmate of the same. [See § 62, item 45.

§ 219, 220. Omitted, not being applicable to this city.

POLICE AND FIREMEN'S RELIEF FUND.

AN ACT to amend "An act for the relief of disabled members of the police and fire departments in cities and villages," approved May 24, 1877, in force July 1, 1877. Approved May 10, 1879. In force July 1, 1879.

Section.

1. How fund created.
2. Mayor, etc., trustees of fund.
3. Board to control fund.
4. Treasurer to give bond for fund.
5. Warrants drawn on Treasurer.

Section.

6. Permanent disability—death—annuity.
7. Who entitled to benefits.
8. How money paid out.
9. Repeal.

221. *How fund created.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* "That an act for the relief of disabled members of the police and fire departments in the cities and villages," approved May 24, 1877, in force July 1, 1877, be amended to read as follows:

That one-fourth of all the rates, taxes and license fees which are or may be hereafter required by law to be paid by corporations, companies, or associations, not incorporated under the laws of this State, engaged in any village or city in this State, effect-

ing fire insurance, and all moneys received from fines inflicted upon members of the police and fire departments for a violation of the rules and regulations of the service, and all fines recovered because of conviction for a violation of the fire ordinances, and all moneys accruing from the sale of unclaimed stolen property, shall be set apart by the Treasurer of the city or village, to whom the same shall be paid, as a fund for the relief of disabled members of the police and fire department of such city or village.

222. *Mayor, etc., trustees of fund.*] § 2. The Mayor or President of the Board of Trustees, the Superintendent or chief officer of the police department, the fire marshal, or chief officer of the fire department, and the chairman of the committee on police and fire and water, of the City Council or Board of Trustees of the city or village, with the Comptroller (if there be one) or City Clerk and Treasurer, shall constitute and be a Board by the name of the Trustees of the Police and Firemen's Relief Fund, and the Treasurer of the city or village, shall be custodian of the funds of said Police and Firemen's Relief Fund. The said Board shall select from their number a President and Secretary.

223. *Board to control funds.*] § 3. The said Board shall have the exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid or assessed for the relief of disabled policemen or firemen, and shall have the power to assess each and every member of the police and fire departments of such city or village, including all such persons who having become entitled to the benefits of this fund, while such members of said police and fire departments, have not forfeited their rights to share in such benefits after leaving such departments as hereinafter provided, not to exceed the sum of five dollars (\$5) per annum, which shall be received and held by the Treasurer of said relief fund, in like manner as the other moneys herein provided, to be paid to him; and any persons who having become entitled to the benefits of this fund, shall not within one month after notice in writing to him from said Board of the assessment against him, pay the same, shall not be entitled to, or receive any benefits secured to him under the provisions of this act, unless he shall make written application to the Trustees of the fund to become a member thereof, and shall have by a majority vote of said Trustees been admitted to membership in said organization, and upon his making payment of all delinquent assessments due by him, accruing during his membership in such police or fire department. The said Board may make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief under this act, and its decisions on such applications shall be final and conclu-

sive, and not subject to review or reversal except by the Board: *Provided*, that nothing herein contained shall render the payment of any sum of money or annuity which may be awarded by the Board, obligatory by the Board or chargeable against it as a legal right; but the Board may, at any time in its discretion, order that such sums of money or annuity shall be reduced, or that payment of the same shall not be made. The Board shall cause to be kept a record of all its meetings and proceedings.

224. *Treasurer to keep fund—bond.*] § 4. The Treasurer of the Board shall be the custodian of the fund in the first section of this act mentioned, and of all moneys donated, paid or assessed towards or on account of the relief fund hereby created, and shall secure and safely keep the same, subject to the control and direction of the Board, and shall keep his books and accounts in such a manner as may be prescribed by the Board, and the same shall always be subject to the inspection of the Board, or any member thereof. The Treasurer shall, within ten days after his election or appointment, execute a bond to the city or village, as the case may be, with good and sufficient securities, in such penal sum as the Board may direct, to be approved by the Board, conditional for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come to his hands as such Treasurer, and that on the expiration of his term of office, he will surrender and deliver over to his successor all unexpended moneys and all property which may have come to his hands as such Treasurer. Such bond shall be filed in the office of the Clerk of such city or village, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same, in the name of such city or village, for the use of said Board, or of any person or persons injured by such breach.

225. *Warrants drawn on Treasurer.*] § 5. It shall be the duty of the Mayor and Clerk, or the Comptroller, if there be one, and the officer or officers of such city or village, who are or may be authorized by law to draw warrants upon the Treasurer of such city or village, upon request made in writing by said Board, to draw warrants upon the Treasurer of such city or village, payable to the Treasurer of said Board, for the fund set apart by such city or village Treasurer, as prescribed by the first (1st) section hereof.

226. *Permanent disability—death—annuity.*] § 6. When, in the judgment of the Board, a sufficient amount shall have accumulated in said fund to justify the application thereof to the use for which the same is hereby created, if any member of the police or fire departments, while in the actual performance of duty or other person entitled to the benefits of this fund as hereinafter pro-

vided, shall become permanently disabled, so as to render proper his retirement from membership, a sum not exceeding six hundred dollars (\$600) per annum, or such less sum as, in the judgment of the Board, the fund will justify, shall be paid to such member out of said fund; or if any member while in the actual discharge of duty shall be killed, or shall die from the immediate effects of an injury received by him while in such discharge of duty, or shall die after ten years service in the police or fire departments, and shall leave a widow, or if no widow, any child or children under the age of sixteen (16) years, a sum not exceeding six hundred (600) dollars per annum, or such less sum as, in the judgment of the Board, the condition of the fund will justify, shall be paid to such widow so long as she shall remain unmarried, or to such child or children while under the age of sixteen years.

226 a. *Who may obtain benefits.*] § 7. Any person who shall have served in either the police or fire departments of said city or village for the full term of ten (10) years, and shall have paid into the fund hereby provided for all assessments regularly made upon him by the Board of Trustees as required by this act, and the regulations of the said Board of Trustees passed in pursuance of this act, and shall have complied with all the rules and regulations lawfully established by the Board of Trustees in the same manner, as if such person was an active member in said police or fire department, may continue his membership in this organization, and be entitled to the benefits of this fund after he shall have ceased to be a member in either said police or fire department, by complying with all the provisions of this act, relative to the payment of assessments, &c., the same as prior to his ceasing to be a member of said departments, and the widow or children of such person shall be entitled to all benefits hereby secured to other members of this organization.

226 b. *How money paid out.*] § 8. All moneys ordered to be paid from said relief fund to any person or persons, shall be paid by the Treasurer of said Board only upon warrants signed by the President of the Board and countersigned by the Secretary, and no warrant shall be drawn except by order of the Board, duly entered in the record of the proceedings of the Board. In case the said relief fund, or any part thereof, shall by order of the said Board or otherwise, be deposited in any bank, or loaned, all interest on money which may be paid or agreed to be paid, on account of any such loan or deposit, shall belong to and constitute a part of said fund: *Provided*, that nothing herein contained shall be construed as authorizing the said Treasurer to loan the said fund, or any part thereof, unless so authorized by said Board.

226 c. *Repeal.*] § 9. All acts or parts of acts, or amendments

thereto, heretofore enacted, and in any manner conflicting with the provisions of this act, are hereby expressly repealed.

Approved May 10th, 1879.

WATER WORKS.

AN ACT authorizing cities, incorporated towns and villages to construct and maintain water works. Approved and in force April 15, 1873.

Section.

- 227. Power to supply water—letting contracts.
- 228. May borrow money—tax.
- 229. May acquire property for works, etc.
- 230. Rules—tax—assessment—lien.
- 231. Special assessments.
- 232. Separate funds.
- 233. When act not apply.

Section.

- 235. Bonds—assessments payable in installments.
- 236. When installments payable—interest.
- 237. Applies to assessments already ordered.
- 239. Power to contract for water.
- 240. Tax.

227. *Power to supply water—letting contract.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all cities, incorporated towns and villages in this State be and are hereby authorized, and shall have power to provide for a supply of water for the purposes of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages, by the erection, construction [and] maintaining of a system of water works: *Provided*, that all contracts for the erection or construction of any such works, or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three weeks' public notice of the terms and conditions upon which the contract is to be let having been given, by publication in a newspaper published in such city, town or village; or if no newspaper is published therein, then in some newspaper published in the county; *And, provided, further*, that no member of the City Council or Board of Trustees, or Mayor, shall be directly or indirectly interested in any such contract, and in all cases the Council or Board of Trustees, as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them. [See § 169-171.

228. *Borrow money—tax.*] § 2. Such cities, incorporated towns and villages may borrow money and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected for the erection, construction and maintaining of such water works, and appropriate money for the same. [See § 62, item 3.

229. *May acquire property for works, etc.*] § 3. For the purpose of erecting, constructing, locating, maintaining or supplying such water works, any such city, incorporated town or village may go beyond its territorial limits, and may take, hold and acquire property and real estate, by purchase or otherwise; and shall also have the power to take, hold and acquire and condemn any and all necessary property and real estate for the location, erection, construction and maintaining of such water works, in the manner provided for the taking and condemning of private property for public use; and may also acquire and hold real estate and other property and rights necessary for the location erection, construction and maintenance of such water works, by purchase or otherwise; and the jurisdiction of such city, town or village to prevent or punish any pollution or injury to the stream or source of water for the supply of such water works, shall extend ten miles beyond its corporate limits. [See § 170, also "Eminent Domain," ch. 47.

230. *Rules—tax—assessment—lien.*] § 4. The Common Council of such cities, or Trustees of such towns or villages, shall have power to make and enforce all needful rules and regulations in the erection, construction and management of such water works, and for the use of water supplied by the same. And such cities, towns and villages shall have the right and power to tax, assess and collect from the inhabitants thereof such tax, rent or rates for the use and benefit of water used or supplied to them by such water works, as the Common Council or Board of Trustees, as the case may be, shall deem just and expedient. And all such water taxes, rates or rents shall be a lien upon the premises and real estate upon or for which the same is used or supplied. And such taxes, rents or rates shall be paid and collected, and such lien enforced, in such manner as the Common Council shall, by ordinance, direct and provide. [See § 171.

231. *Special assessment.*] § 5. The expense of locating, erecting and constructing reservoirs and hydrants for the purpose of fire protection, and the expense of constructing and laying water main pipes, or such part thereof as may be just and lawful, may be assessed upon and collected from the property and real estate specially benefited thereby, if any, in such manner as may be provided for the making of special assessments for other public improvements in such cities, towns or villages. [See § 133 seq.

232. *Separate fund.*] § 6. All the income received by such cities, towns or villages from such water works, from the payment and collection of water taxes, rents or rates, shall be kept in a separate fund, and shall first be applied in the payment and dis-

charge of the costs, interest on bonds or money borrowed and used in the erection and construction of such water works and running expenses thereof. And any surplus may be applied in such manner as the Common Council or Board of Trustees may direct.

233. *When act not apply.*] § 7. The provisions of this act shall not apply to cities, towns or villages in which water works are now managed or controlled by a board of public works.

AMENDMENT.

AN ACT to amend section one (1) of an act entitled "An act authorizing cities, incorporated towns and villages to construct and maintain water works," approved and in force April 15, 1873. Approved and in force May 14, 1879. L. 1879, p. 64.

Section 1. Power to supply water—letting contracts.

234. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* § 1. That section one (1) of an act entitled "An act authorizing cities, incorporated towns and villages to construct and maintain water works," approved and in force April 15th, 1873, be and is hereby amended so as to read as follows:

Power to supply water—letting contract.] That all cities, incorporated towns and villages in this State, be and are hereby authorized and shall have power to provide for a supply of water for the purposes of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages by the erection construction and maintaining of a system of water works or by uniting with any adjacent city, incorporated town or village, in the erection construction and maintaining of a system of water works for the joint use of such cities, incorporated towns or villages, or by procuring such supply of water from any adjacent city, incorporated town or village already having water works: *Provided*, that all contracts for the erection or construction of such works or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three (3) weeks' public notice of the terms and conditions upon which the contract is to be let, having been given by publication in a newspaper published in such city, town or village, or if no newspaper is published therein, then in some newspaper published in the county: *And, provided, further*, That no member of the City Council or Board of Trustees or Mayor shall be directly or indirectly interested in any such contract, and in all cases the Council or Board of Trustees as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them.

(Emergency clause omitted.)

AN ACT to provide for the laying of water supply pipe by bonds and special assessment payable in installments. Approved and in force March 17, 1874.

235. *Bonds—assessments payable in installments.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That whenever the corporate authorities of any city, town or village shall provide, by ordinance, for the laying of water supply pipes, to be paid for by a special assessment to be made under the provisions of article nine of the act of the General Assembly, entitled "An act to provide for the incorporation of cities and villages," approved April 10, A. D. 1872, such corporate authorities may, in their discretion, provide in such ordinance, or by an ordinance to be adopted at any time prior to the issuance of the warrant to the Collector for the collection of such assessment, that the amount of the estimated cost of such improvement shall be provided for in the following manner, to-wit: That bonds of the city, town or village, as the case may be, shall be issued for such portion of the estimated cost of such improvement as shall be apportioned to the city, town or village as public benefit, payable at such time or times, within twenty years, as may be provided by said ordinance, or it may in such ordinance be provided that all or any portion of the amount, so apportioned as public benefits, may be made by general taxation in accordance with the provisions contained in said article nine, and that the portion of said estimated cost which shall be assessed upon property specially benefited, shall be payable in such annual installments, not exceeding ten in number, as may in such ordinance be prescribed: *Provided*, that nothing in this section shall authorize any city, town or village to issue such bonds to an amount, including all existing indebtedness, in excess of the charter, statutory or constitutional limitation of the indebtedness of such city town or village.

236. *When installments payable—interest.*] § 2. Whenever such corporate authorities shall have provided by ordinance for the making of such improvement in the manner prescribed in section 1 of this act, the first installment of the amount assessed upon property specially benefited shall be payable immediately upon the issuance, by the Clerk of such city, town or village, of his warrant to the Collector, and the subsequent installments shall be payable annually thereafter, with interest until paid, at such rate as shall be prescribed in such ordinance, not exceeding ten per cent. per annum.

237. *Applies to assessments already ordered.*] § 3. This act shall apply to assessments already ordered for the purpose set

forth in section 1 of this act, and to the ordinances in relation thereto, as well as to ordinances hereafter to be adopted.

[238. Emergency clause—omitted.]

AN ACT to enable cities and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for water so supplied. Approved April 9, 1872. In force July 1, 1872.

239. *Power to contract for water.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That in all cities and villages where water works may hereafter be constructed by an incorporated company, the city or village authorities in such cities and villages may contract with such incorporated company for a supply of water for public use, for a period not exceeding thirty years.

240. *Tax.*] § 2. Any such city or village so contracting may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

SALARIES OF CITY OFFICERS.

AN ACT to enable the corporate authorities of cities to establish and fix the salaries of city officers. Approved and in force April 23, 1873.

Section 241. When to be fixed—not changed during term.

241. *When to be fixed—not changed during term.* § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* It shall and may be lawful for the Common Council or legislative authority of any city in this State to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said Common Council or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation shall ever be allowed to any such officer or employee over and above that provided in manner aforesaid. [See § 84, 85.]

[242. Emergency clause—omitted.]

REBATE AND REDUCTION OF TAXES, ETC.

AN ACT to prevent the unjust collection, by incorporated cities and towns, of taxes, levied upon property destroyed by fire, and to authorize the Common Council of such cities, or Board of Trustees of such towns, to change or amend appropriation bills, to pass new appropriation bills, to reduce taxes and special assessments in certain cases, and to discontinue special improvements. Approved and in force Jan. 18, 1872.

Section.

243. Rebate when property destroyed.

Section.

244. May reduce or release tax or assessment.

243. *Rebate when property destroyed.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That whenever, in any incorporated city or town in this State, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the Mayor of such city or town—if there be no Mayor, then the President of the Board of Trustees, the City Comptroller, if there should be one; and if not, then the City Clerk or Town Clerk, and the Tax Commissioner if there should be one; if not, then the Chairman of the finance committee of the City Council, or Board of Trustees—to rebate or remit so much of such tax or taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been in whole or in part, destroyed by fire.

244. *May reduce or release tax or assessment.*] § 2. That whenever, in any incorporated city or town in this State, any large portion of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assesment thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the City Council or Board of Trustees of any such town to alter, revise, change, reduce or vacate, or repeal such appropriation bill, or any part of the same, and to order the discontinuance of said special improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have the same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town.

[245. Emergency clause—omitted.]

SEWERAGE AND WATER TAXES.

AN ACT in relation to the levy and collection of taxes for sewerage and water works in the cities of this State that may have established a system of sewerage and water works for such city. Approved and in force April 22, 1871.

Section.

246. Sewerage fund tax.

Section.

247. Water fund tax.

246. *Sewerage fund tax.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the legislative authority of any such city which now has or may hereafter have established a system of sewerage for such city, shall have power, annually to levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on a dollar, for the extension and laying of sewers therein and the maintenance of such sewers, which tax shall be known as "The Sewerage Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose. [See § 62, item 29.

247. *Water fund tax.*] § 2. The legislative authority of any such city which now has or which may hereafter have established water works, for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on the dollar, for the extension of water mains or pipes therein and the maintenance of such water works, which tax shall be known as "The Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the water department of such city, shall first certify to such legislative authority the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor.

[248. Emergency clause—omitted.]

ASSESSMENT AND COLLECTION OF MUNICIPAL TAXES.

AN ACT in regard to assessment and collection of municipal taxes. Approved May 23, 1877. In force July 1, 1877. L. 1877, p. 61.

Section 1. How may be assessed and collected.

249. *How may be assessed and collected.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That all cities, villages, and incorporated towns, in this State, whether organized under the general law or special charters, shall assess and collect their taxes, in the manner provided for in article eight (8) of the act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and in the manner provided for in the general revenue laws of this State; and all acts, or parts of act, inconsistent with the provisions of this act, are hereby repealed.

[Sections 250 to 273 omitted—the law repealed.]

SEWERAGE.

AN ACT to enable cities, towns and villages to contract with each other for sewerage. Approved May 14, 1879. In force July 1, 1879. L. 1879, p. 75.

Section.

1. May contract for sewerage, etc.

Section.

2. How contract made.

274. *May contract for sewerage, etc.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That whenever any city or incorporated town or village, shall be adjacent or contiguous to any other city or incorporated town or village, they shall be authorized to contract with each other upon such terms as may be agreed upon between them, to allow and permit the one the use and benefit of any sewer or drain, or of any system of sewerage or drainage, heretofore constructed, or which may be hereafter constructed by the other, and further, that any such sewer or drain or system of sewerage or drainage constructed or which may hereafter be constructed by the one, may be extended or furnished to the inhabitants of the other, and they may by contract with each other provide for the joint construction of any sewer or drain by the municipalities so contracting, and for the common use thereof by the inhabitants of such municipalities.

275. *How contract made.*] § 2. The contract contemplated in section one of this act may be made by ordinance or resolution duly enacted or passed by the Common Council, Board of Trustees, or other proper legislative authority of the city, or incorporated town or village proposing such contract, and ratified or assented to by ordinance or resolution duly enacted or passed by the Common Council, Board of Trustees, or other proper legislative authority of the city or incorporated town or village confirming or agreeing to such contract, and every such contract, when ratified or confirmed by the proper corporate authorities of the municipal corporations who are parties thereto, shall be in all respects valid and binding.

SIDEWALKS.

AN ACT to provide additional means for the construction of sidewalks in cities, towns and villages. Approved April 15, 1875. In force July 1, 1875. L. 1875, p. 63.

Section.

1. Sidewalks by taxation.
2. What ordinance may provide.
3. In case of default to construct sidewalk.
4. Special tax—duty of Clerk—report.

Section.

5. General officer to obtain judgment—by what law governed.
6. When constructed by owner, may obtain order.

276. *Sidewalks by taxation.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the mode now authorized by law, any city or incorporated town or village, may by ordinance provide for the construction of sidewalks therein, or along or upon any street or part of street therein, and may, by such ordinance, provide for the payment of the whole or any part of the cost thereof by special taxation of the lot, lots or parcels of land touching upon the line where any such sidewalk is ordered, and such special taxation may be either by a levy on any lot of the whole, or any part of the cost of making any such sidewalk in front of such lot or parcel of land, or by levying the whole or any part of the cost upon each of the lots or parcels of land touching upon the line of such sidewalk, *pro rata*, upon each of said lots or parcels, according to their respective values—the values to be determined by the last preceding assessment thereof for the purpose of State and county taxation; or the whole or any part of the cost thereof may be levied upon such lots or parcels of land in proportion to their frontage upon such sidewalks, or in proportion to their superficial area, as may be provided by the ordinance ordering the laying down of

such sidewalk; and in case such ordinance shall only require the payment of a part of the cost of such sidewalk to be paid by a special tax as aforesaid, then the residue of such cost shall be paid out of any fund of such city, town or village raised by general taxation upon the property thereof, and not otherwise appropriated.

277. *What ordinance may provide.*] § 2. Said ordinance shall define the location of such proposed sidewalk with reasonable certainty, shall prescribe its width, the materials of which it shall be constructed, and the manner of its construction, and may provide that the materials and construction shall be under the supervision of, and subject to the approval of some officer or board of officers of such city, town or village, to be designated in said ordinance. Said ordinance shall be published as required by law for other ordinances of said city, town or village and may require all owners of lots or parcels of land touching the line of said proposed sidewalk, to construct a sidewalk in front of their respective lots or parcels in accordance with the specifications of said ordinance, within thirty days after such publication, and in default thereof, said material to be furnished and sidewalk to be constructed by said city, town or village, and the cost, or such part thereof as may be fixed in said ordinance, may be collected from their respective owners of said lots or parcels of land as hereinafter provided.

278. *In case of default to construct sidewalk.*] § 3. In case of the default of any lot owner or owners to construct the sidewalks, as required by ordinance, and the same shall be constructed by the city, town or village, the cost thereof, or such part of the cost thereof as may have been fixed by said ordinance, may be recovered of the owners so in default, by an action of debt in the name of the city town or village, against such owners respectively, in any court of competent jurisdiction, or upon the completion of the work by such city, town or village. Such ordinance may provide that a bill of the cost of such sidewalk, showing in separate items the cost of grading, materials, laying down and supervision, shall be filed in the office of the Clerk of such city, town or village, certified to by the officer or board designated by said ordinance to take charge of the construction of such sidewalk, together with a list of the lots or parcels of land touching upon the line of said sidewalk, the names of the owners thereof, and the frontage, superficial area, or assessed value as aforesaid, according as said ordinance may provide for the levy of said cost by frontage, superficial area or assessed value; whereupon said Clerk shall proceed to prepare a special tax list against said lots or parcels, and the owners thereof, ascertaining by computation the amount of spe-

cial tax to be charged against each of said lots or parcels and the owners thereof, on account of the construction of said sidewalk, according to the rule fixed for the levy of such special tax by said ordinance, which special tax list shall be filed in the office of said Clerk; and said Clerk shall thereupon issue warrants directed to such officer as may be designated in such ordinance, for the collection of the amount of special tax so ascertained and appearing from said special tax list to be due from the respective owners of the lots or parcels of land touching upon the line of said sidewalk; and such officer shall proceed to collect such warrants in the same manner as constables are authorized to collect executions, and make return thereof, together with the moneys collected, to the Clerk of such city, town or village, within sixty days from the date of their issue; and in case any such warrant shall be returned, as to the whole or any part thereof, "no property found," other warrants may issue, and proceedings by garnishment may be resorted to as in cases of garnishment in aid of collection of judgments at law, and all moneys so collected and paid over to said Clerk, shall be, by him, immediately paid over to the Treasurer of said city, town or village.

279. *Special tax—duty of Clerk—report.*] § 4. Upon the failure to collect such special tax as heretofore provided in this act, it shall be the duty of said Clerk, within such time as said ordinance may provide, to make report of all such special tax, in writing, to such general officer of the county as may be authorized by law to apply for judgment against, and sell lands for taxes due the county or State, of all the lots or parcels of land upon which such special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to said Clerk, and the amount due and unpaid upon each tract, together with a copy of the ordinance ordering the construction of said sidewalk, which report shall be accompanied by the oath of the Clerk that the list is a correct return of the lots and parcels of land on which the special tax levied by authority of said city, town or village, for the cost or partial cost (as the case may be) of the sidewalk in said ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected, nor any part thereof. Said reports, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making such return have been complied with, and that the special tax as mentioned in said report, is due and unpaid.

280. *General officer to obtain judgment—by what law governed.*] § 5. When said general officer shall receive the aforesaid report, he shall at once proceed to obtain judgment against said lots or parcels of land for said special tax remaining due and unpaid,

in the same manner as may be provided by law for obtaining judgment against lands for taxes due and unpaid the county and State, and shall in the same manner proceed to sell the same for the said special tax due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this State, except when otherwise provided herein, and said general laws shall also be applicable to the execution of certificates of sale, and deeds thereon, and the force and effect of such sales and deeds; and all other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, shall be applicable to proceedings to collect such special tax, except as herein otherwise provided.

281. *When constructed by owner, may obtain order.*] § 6. Whenever payment of the costs of any such sidewalk is required to be made in part by special tax, and in part out of the general fund of such city, town or village, and the owner of any such lot or parcel of land shall construct such sidewalk in accordance with the ordinance providing for its construction, such owner shall file with the Clerk of such city, town or village, an itemized statement of the cost of such sidewalk so constructed by him, verified by affidavit, together with a certificate of the officer or board directed by such ordinance to superintend the construction thereof, that such sidewalk has been constructed and fully completed by such owner in accordance with such ordinance, and the Council of such city, town or village shall thereupon, at its first meeting thereafter, allow and order to be issued to such owner an order on the Treasurer of such city, town or village, for the cost of the construction of such sidewalk, less the amount of special tax chargeable to the lot or parcel of land of such owner on the line of which such sidewalk has been so constructed.

TOWNSHIP ORGANIZATION.

AN ACT to authorize county boards in counties under township organization to organize certain territory situated therein as a town. Approved May 23, 1877. In force July 1, 1877. L. 1877, p. 212.

ORGANIZATION OF TOWNS BY COUNTY BOARDS.

Section.

1. Territory in city organized as town.
2. Town in city.
3. Election of officers.
4. Powers exercised by Council.

Section.

5. What City Council may provide.
6. May regulate the number of Justices.
7. Vacancies.

282. *Territory of city organized as town.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county board, in any county under township organization, may provide that the territory embraced within any city in such county shall be organized as a town: *Provided*, such territory shall have a population of not less than three thousand. *And provided*, The City Council in such city shall by resolution request such action by the county board.

283. *Town in city.*] § 2. The territory of any city now organized, within the limits of any county under township organization, and not situated within any town, shall be deemed to be a town.

284. *Election of officers.*] § 3. All town officers within any town organized as aforesaid shall be elected at the annual charter election of such city. All general elections held in such city and town shall be held at the same voting places as the city elections, with judges and clerks appointed in like manner as for the city elections.

285. *What powers exercised by Council.*] § 4. The powers vested in such towns shall be exercised by the City Council.

286. *What City Council may provide.*] § 5. The City Council in such city and town may by ordinance provide that the offices of City and Town Clerk shall be united in the same person; that the election of Highway Commissioners shall be discontinued; that the offices of Supervisor and Poormaster shall be separated, and the Poormaster appointed by the City Council.

287. *May regulate the number of Justices.*] § 6. The City Council in such city and town may from time to time regulate the number of Justices of the Peace, Police Magistrates and Constables to be elected within such city and town; but the number elected to either of such offices shall not exceed the number allowed by law to other towns of like population.

288. *Vacancies.*] § 7. Vacancies in any of the town offices within such city and town may be filled by the City Council.

SUITS—HOW BROUGHT.

AN ACT entitled "An act in regard to suits by incorporated cities and villages, and to enforce penalties and recover fines for violating the ordinances thereof." Approved May 31, 1879. In force July 1, 1879. L. 1879, p. 79.

Section 1. Suits—how brought, etc.

289. *Suits—how brought, etc.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That all actions to recover any fine, or to enforce any penalty, under any ordinance of any city or village in this State, shall be brought in the corporate name of the city or village, as plaintiff, and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party, for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

PUNISHMENT OF PERSONS VIOLATING ORDINANCES.

AN ACT to provide for the punishment of persons violating any of the ordinances of the several cities and villages in this State. Approved and in force April 12, 1879. L. 1879, p. 70.

Section.

1. Arrest—punishment.

Section.

2. Repeal.

290. *Arrest—imprisonment—work-house.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That in all actions for the violation of any ordinance of any city or village organized under any general or special law of this State, the first process shall be a summons: *Provided, however,* that a warrant for the arrest of the offender may issue in the first instance, upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the proper officer, to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other places provided by such

cities or villages by ordinance for the incarceration of such offenders until such fine, penalty and cost shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. The City Council or Board of Trustees of any such cities or villages shall have power to provide by ordinance that every person so committed shall be required to work at such labor as his or her strength will permit, within and without such prison, work-house, house of correction or other place provided for the incarceration of such offenders, not to exceed ten hours each working day; and for such work the person so employed, or worked, shall be allowed, exclusive of his or her board, the sum of fifty cents for each day's work on account of such fine and costs.

291. *Repeal.*] § 2. All acts and parts of acts inconsistent with the foregoing section are hereby repealed.

[Emergency clause—omitted.]

ELECTIONS.

AN ACT to provide for the time of opening and closing the polls during elections of cities, towns and villages in this State. Approved May 29, 1879. In force July 1, 1879. L. 1879, p. 70.

Section 1. Time of opening and closing polls.

292. *Time of opening and closing polls.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all city, town or village elections, in this State, the polls shall remain open from eight (8) o'clock a. m., until seven (7) o'clock p. m., any law in any special charter to the contrary notwithstanding.

ISSUING WARRANTS.

AN ACT to provide for the manner of issuing warrants upon the Treasurer of any county, township, city, school district or other municipal corporation, and jurors' certificates. Approved May, 31, 1879. In force July 1, 1879. L. 1879, p. 78.

Section.

1. When warrants may be drawn.
2. Issued in anticipation of taxes.

Section.

3. Jurors' certificates.

293. *When warrants may be drawn.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That warrants payable on demand, shall hereafter be

drawn and issued upon the Treasurer of this State or of any county, township, city, school district or other municipal corporation, or against any fund in his hands, only when at the time of the drawing and issuing of such warrants, there shall be sufficient money in the appropriate fund in the Treasury to pay said warrants.

294. *Issued in anticipation of taxes.*] § 2. That whenever there is no money in the Treasury of any county, township, city, school district or other municipal corporation to meet and defray the ordinary and necessary expenses thereof, it shall be lawful for the proper authorities of any county, township, city, school district or other municipal corporation, to provide that warrants may be drawn and issued, against and in anticipation of the collection of any taxes, already levied by said authorities for the payment of the ordinary and necessary expenses of any such municipal corporation, to the extent of seventy-five per centum of the total amount of any said tax levy: *Provided*, that warrants drawn and issued under the provisions of this section, shall show upon their face that they are payable solely from said taxes when collected, and not otherwise, and shall be received by any collector of taxes in payment of the taxes against which they are issued, and which taxes, against which said warrants are drawn, shall be set apart and held for their payment.

295. *Juror's certificates.*] § 3. All jurors' certificates shall hereafter be issued in conformity and with the provisions of this act.

LABOR ON STREETS.

AN ACT providing for labor on the streets and alleys of all cities and villages in this State. Approved May 31, 1879. In force July 1, 1879. L. 1879, p. 79.

Section.

1. Labor on streets, etc.

Section.

2. Fines and penalties.

296. *Labor on streets, etc.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That the City Council in all cities and the President and Board of Trustees in all villages in this State, may have power, by ordinance, to require every able-bodied male inhabitant of any such city or village, above the age of twenty-one years, and under the age of fifty years (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of any such city or village, not more than two (2) days in each year;

but such ordinance shall provide for commutation of such labor at seventy-five cents per day.

297. *Fines and penalties.*] § 2. Any such City Council or President and Board of Trustees of any such village shall have power, by ordinance, to provide such fines and penalties as may be necessary to enforce the provisions of this act.

RATE OF TAXATION.

AN ACT in relation to the rate of taxation in cities, villages and incorporated towns.
Approved May 30, 1881. In force May 30, 1881.

Section.

1. Remits additional levy of 1 per cent. for school purposes—how collected.

Section.

2. Former levies confirmed and legalized.

298. *Remits additional levy of 1 per cent. for school purposes—how collected.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That all cities, villages and incorporated towns in this State not now having, by their respective charters, the power to levy and collect as high a rate of taxation as is herein authorized and provided for, shall hereafter have power to assess, levy and collect annually upon the taxable property within their respective limits, for all corporate purposes, in addition to all taxes which any such city, town or village may now or hereafter be authorized by law to levy and collect to support and maintain schools, erect school buildings and for all other school purposes, and to pay interest on its registered bonded indebtedness, such an amount as their respective corporate authorities may prescribe not exceeding in any year the rate of one per cent. of the assessed valuation of such taxable property as equalized by the State Board of Equalization for the preceding year. And the said rate authorized by this act shall be in lieu of all rates and items of taxation now provided and authorized in such charters, for all purposes other than for schools, the erection of school buildings, and all other school purposes, and for paying interest on the registered bonded indebtedness of such city, town or village.

299. *Former levies confirmed and legalized.*] § 2. Every tax levy made for lawful corporate purpose by any city, village or incorporated town, within this State, in the year 1880 up to the rate of taxation above authorized, is hereby ratified, authorized, legalized and confirmed to the same effect in all respects as though such levy had been made subsequent to the going in to effect of this act.

LIBRARIES.

OF CITIES, VILLAGES, TOWNS AND TOWNSHIPS.

AN ACT to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading-rooms. Approved and in force March 7, 1872. L. 1871-2, p. 609.

Section.

1. Establishment by city—tax—fund.
2. Appointment of directors.
3. Term of office—removal.
4. Vacancies—compensation.
5. Organization—powers of directors—funds.
6. Who may use library.
7. Report of directors.
8. Council may fix penalties.

Section.

9. Donations.
10. Powers of villages, towns and townships.
11. Directors in villages, towns and townships.
12. Library associations may sell, etc., to public library—meeting—notice.
13. Vote—manner of making conveyance, etc.

300. *Establishment by city—tax—fund.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the City Council of each incorporated city shall have power to establish and maintain a public library and reading-room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed one mill on the dollar, annually, and in cities of over one hundred thousand inhabitants, not to exceed one-fifth of a mill on the dollar annually, on all the taxable property in the city, except for the years A. D. eighteen hundred and eighty-one and eighteen hundred and eighty-two, respectively, in cities of over one hundred thousand inhabitants, the said tax may be one-half of a mill on the dollar, such tax to be levied and collected in like manner with the general taxes of said city, and to be known as the “library fund;” and the said annual library tax in cities of over one hundred thousand inhabitants for the years A. D. eighteen hundred and eighty-one and eighteen hundred and eighty-two shall not be included in the aggregate amount of taxes as limited by section one, of article eight of “An act for the incorporation of cities and villages,” approved April ten, eighteen hundred and seventy-two, but for years other than the years A. D. eighteen hundred and eighty-one and eighteen hundred and eighty-two, the said library tax shall be included in the said aggregate amount of taxes so limited by said section one. [As amended by act approved and in force March 24, 1881. L. 1881, p. 3.

301. *Directors.*] § 2. When any City Council shall have decided to establish and maintain a public library and reading-room under this act, the Mayor of such city shall, with the approval of

the City Council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large with reference to their fitness for such office; and not more than one member of the City Council shall be at any time a member of said board.

302. *Term of office—removal.*] § 3. Said directors shall hold office one-third for one year, one-third for two years, and one-third for three years, from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the Mayor shall, before the first of July of each year, appoint as before three directors, to take the place of retiring directors, who shall hold office for three years, and until their successors are appointed. The Mayor may, by and with the consent of the City Council, remove any director for misconduct or neglect of duty.

303. *Vacancies—compensation.*] § 4. Vacancies in the board of directors, occasioned by removals, resignation, or otherwise, shall be reported to the City Council, and be filled in like manner as original appointments, and no director shall receive compensation as such.

304. *Organization—powers of directors—funds.* § 5. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading-room as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose: *Provided*, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the proper authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act, in establishing and maintaining a public library and reading-room.

305. *Who may use library.*] § 6. Every library and reading-room, established under this act, shall be forever free to the use

of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading-room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules. And said board may extend the privileges and use of such library and reading-room to persons residing outside of such city in this State, upon such terms and conditions as said board may from time to time by its regulations prescribe.

306. *Report of directors.*] § 7. The said board of directors shall make, on or before the second Monday in June, an annual report to the City Council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand, the number added by purchase, gift or otherwise, during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books; with such other statistics, information and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.

307. *Penalties.*] § 8. The City Council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library.

308. *Donations.*] § 9. Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees.

309. *Powers of villages, towns, and townships.*] § 10. When fifty legal voters of any incorporated town, village or township shall present a petition to the Clerk of the town, village or township (or trustee of schools in counties not under township organization), asking that an annual tax may be levied for the establishment and maintenance of a free public library in such town or township, and shall specify, in their petition, a rate of taxation

not to exceed two mills on the dollar, such Clerk (or trustee of schools in counties not under township organization) shall, in the next legal notice of the regular annual election in such town or township, give notice that at such election every elector may vote "For a mill tax for a free public library," or "Against a mill tax for a free public library," specifying in such notice the rate of taxation mentioned in said petition; and if the majority of all the votes cast in such town, village or township shall be "For the tax for a free public library," the tax specified in such notice shall be levied and collected in like manner with other general taxes of said town or township, and shall be known as the "Library Fund": *Provided*, that such tax shall cease in case the legal voters of any such town, village or township shall so determine by a majority vote, at any annual election held therein; and the corporate authorities of such towns or villages may exercise the same powers conferred upon the corporate authorities of cities under this act.

310. *Directors in villages, etc.*] § 11. At the next regular election after any town, village or township shall have voted to establish a free public library, there shall be elected a library board of six directors, one-third for one year, one-third for two years, and one-third for three years, and annually thereafter there shall be elected two directors, who shall hold their office for three years and until their successors are elected and qualified; which board shall have the same powers as are by this act conferred upon the board of directors of free public libraries in cities.

AN ACT to enable library associations to sell and transfer their real and personal property. Approved March 24, 1874. In force July 1, 1874.

311. *Library associations may sell, etc., to public libraries—meeting—notice.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That whenever any library association organized under any law of this State, and owning any real or personal property in this State, shall desire to sell or lease the same, or any part thereof, absolutely or with conditions, to the board of directors of any free public library, organized under the laws of this State, such sale or lease may be made in the manner following, viz: The directors of such association shall call a meeting of all the members, subscribers or stockholders thereof, to be held at the rooms of said library or office of the secretary of such association, written or printed notice of the time, place and object of such meeting, and of the terms and conditions of the proposed sale or lease being first mailed, at least thirty (30) days prior to the time of such meeting, to the address of each member, subscriber or stockholder whose place of resi-

dence is known to any of the officers or directors of such association, and by publishing such notice for at least thirty (30) consecutive days next preceding the time of such meeting, in some newspaper published and of general circulation in the county where the property of said association is situate.

312. *Vote—manner of making conveyance, etc.*] § 2. If the members, subscribers or stockholders representing the majority in amount of the stock of such association, shall vote, at such meeting, in favor of such sale or lease upon the terms or conditions specified in such notice, or, in case said association shall consist of two or more departments, if a majority of the members, subscribers or stockholders of each department shall vote at such meeting in favor of such sale or lease so specified, then the president and secretary shall cause a record of the proceedings of such meeting, verified by the oath of the president thereof, together with an affidavit of the service or publication of notice as herein required, to be filed in the office of the Clerk of the Circuit court of the county where the property of such association is situate; after which the president and secretary of said association shall be and are hereby authorized and empowered to execute any and all necessary deeds, leases, bills of sale, or other instruments in writing, to carry out the object and intent of said vote; which, when duly executed, shall be sufficient to pass to the board of directors of such free public library all the legal and equitable title of said associations in and to the real or personal property in said instrument described as therein set forth.

EVIDENCE.

Extract from Chapter LI., entitled "Evidence and Depositions." Revised Statutes 1874.
Records, etc., of cities, etc.—how certified.

314. *Records, etc., of cities, etc.—how certified.*] § 14. The papers, entries, records and ordinances, or parts thereof, of any city, village, town or county, may be proved by a copy thereof, certified under the hand of the clerk or keeper thereof, and the corporate seal, if there be any; if not, under his hand and private seal.

VACATION OF STREETS, ALLEYS, &c.

Chapter CXLV., Revised Statutes, 1874. An Act in relation to the vacation of streets and alleys. Approved March 24, 1874. In force July 1, 1874.

Section.

1. Three-fourths vote required—damages.

Section.

2. Rights of adjoining owners.

315. *Three-fourths vote required—damages.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no City Council of any city, or Board of Trustees of any village or town, whether incorporated by special act or under any general law, shall have power to vacate or close any street or alley, or any portion of the same, except upon a three-fourths majority of all the Aldermen of the city or Trustees of the village or town authorized by law to be elected, such vote to be taken by ayes and noes, and entered on the records of the council or board. And when property is damaged by the vacation or closing of any street or alley, the same shall be ascertained and paid as provided by law.

316. *Rights of adjoining owners.*] § 2. When any street, alley, lane or highway, or any part thereof, has been or shall be vacated under or by virtue of any act of this State or by order of the City Council of any city, or Trustees of any village or town, or by the commissioners of highways, county board or other authority authorized to vacate the same, the lot or tract of land immediately adjoining on either side shall extend to the central line of such street, alley, lane or highway or part thereof so vacated, unless otherwise specially provided in the act, ordinance or order vacating the same, unless, in consequence of more of the land for such street, alley, lane or highway having been contributed from the land on one side thereof than the other, such division is inequitable, in which case the street, alley, lane or highway so vacated shall be divided according to the equities of the adjoining owners.

PLATS.

AN ACT to revise the law in relation to plats. Approved March 21, 1874. In force July 1, 1874. Chapter CIX. Revised Statutes 1874.

Section.

1. Laying out towns, etc.
2. Certificate of surveyor—acknowledgment—record.
3. Dedication—effect of
4. Neglect to plant corner stone, etc.
5. Penalty for selling without plat recorded, etc.
6. Of vacation of entire plat.

Section.

7. Of vacation of part of plat.
8. Cancelling plat of record.
9. Plats of highways, etc., to be made and recorded.
10. Prosecuting offenders.
11. Plats in proceedings in courts.
12. Effect of such maps.
13. Costs.

317. *Laying out of towns, etc.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* Whenever the owner of lands shall wish to subdivide the same into two or more parts for the purpose of laying out a town, or making any addition to any city, village or town, or of re-subdividing any lots or blocks therein, he shall cause the same to be surveyed and a plat thereof to be made by the county surveyor or some other competent surveyor, which plat shall particularly describe and set forth all the streets, alleys, common or public grounds, and all the in and out lots or fractional lots or blocks within, adjoining or adjacent to the land so divided, giving the names, widths, courses and extent of all such streets and alleys, and numbering all lots and blocks by progressive numbers, giving their precise length and width. Reference shall also be made upon the plat to some known and permanent monument from which future surveys may be made, or, if no such monument shall exist within convenient distance, the surveyor shall, at the time of making his survey, plant, and fix in such manner that the same shall not be moved by frost, at the corner of some public ground, or, if there be none, then at the corner of some lot or block most convenient for reference, a good and sufficient stone, to be furnished by the person for whom the survey is made, and designate upon the plat the point where the same may be found.

318. *Certificate of surveyor—acknowledgment—record.*] § 2. The plat having been completed, shall be certified by the surveyor and acknowledged by the owner of the land, or his attorney duly authorized, in the same manner as deeds of land are required to be acknowledged. The certificate of the surveyor and of acknowledgment, together with the plat, shall be recorded in the recorder's office of the county in which the land is situated, and such acknowledgment and record shall have like effect, and cer-

tified copies thereof and of such plat or of any plat heretofore acknowledged and certified according to law, may be used in evidence to the same extent and with like effect, as in case of deeds.

319. *Dedication—effect of.*] § 3. The acknowledgment and recording of such plat shall be held in law and in equity to be a conveyance in fee simple of such portions of the premises platted as are marked or noted on such plat as donated or granted to the public, or any person, religious society, corporation or body politic, and as a general warranty against the donor, his heirs and representatives to such donee or grantee for their use or for the use and purposes therein named or intended, and for no other use or purpose. And the premises intended for any street, alley, way, common or other public use in any city, village or town, or addition thereto, shall be held in the corporate name thereof in trust to and for the uses and purposes set forth or intended.

320. *Neglect to plant corner stone, etc.*] § 4. Whoever shall lay out any town or make any addition to any city, village or town, or re-subdivide any lots or blocks therein, and neglect to plant any corner stone when required by this act, or shall survey the same or cause it to be surveyed in any other manner than that which is prescribed by this act, shall be fined in any sum not less than \$25 nor exceeding \$100.

321. *Penalty for selling without plat recorded, etc.*] § 5. Whoever shall sell or offer for sale, or lease for any time exceeding five years, any lot or block in any town city or village or any addition thereto, or any re-subdivision of any lot or block therein, before all the requisitions of this act have been complied with, shall be fined \$25 for each lot or block or part thereof so disposed of, offered for sale or leased.

322. *Of vacation of entire plat.*] § 6. Any such plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument declaring the same to be vacated, executed, acknowledged or proven, and recorded in like manner as deeds of land; which declaration being duly recorded shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

323. *Of vacation of part of plat.*] § 7. Any part of a plat may be vacated in the manner provided in the preceding section, and subject to the conditions therein prescribed: *Provided*, such vacation shall not abridge or destroy any of the rights or privileges of other proprietors in such plat: *And, provided, further*,

that nothing contained in this section shall authorize the closing or obstructing of any public highway laid out according to law.

324. *Canceling plat of record.*] § 8. When any plat or part thereof is vacated, the recorder in whose office the plat is recorded shall, upon the recording of such vacation, write in plain letters across the plat or part so vacated the word "vacated," and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

325. *Plats of highways, etc., to be made and recorded.*] § 9. Whenever any highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located opened, widened or extended, or the location thereof altered, it shall be the duty of the commissioners, authorities, officers, persons or corporations, public or private, laying out, locating, opening, widening, extending or altering the same, to cause a plat thereof, showing the width, courses and extent thereof, and making such reference to known and established corners or monuments, that the location thereof may be ascertained, to be made and recorded in the office of the recorder of the county in which the premises taken or used for the same, or any part thereof, are situated, within six months after such highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended, or the location thereof altered; and when any highway, road, street, alley, public ground, toll-road, railroad or canal is vacated, the order, ordinance or other declaration, vacating the same shall be in like manner recorded. This act shall not be construed to alter or affect any law specifically providing for the recording of any such plat, or to require the same to be recorded sooner than is so specifically provided; except that any requirements to record such plat in any other place than is provided herein shall not excuse the parties from complying with this act. Whoever shall refuse or neglect to comply with this section shall forfeit \$25, and the like sum for every month he shall continue in such refusal or neglect after conviction therefor, to be recovered before any Justice of the Peace of the county, in the name of the county, one-half to the use of the county and the other half to the use of the person complaining.

326. *Prosecuting offenders.*] § 10. Whenever it shall come to the knowledge of the recorder of deeds of any county that any of the provisions of this act have been violated, it shall be his duty to notify the State's Attorney of the fact, and the State's Attorney shall immediately institute suit, and prosecute the same to final judgment against the person offending.

AN ACT to authorize courts of record, in certain cases, to order lands to be subdivided and platted. Approved March 18, 1874. In force July 1, 1874.

327. *Plats in proceedings in court.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in any proceeding in any court of record in this State, by executors or administrators, for the sale of lands of deceased persons, or by guardians, for the sale of lands of their wards, or for partition of lands, when such lands are to be sold in parcels, or actual partition thereof shall be made, it shall be competent for the court to order such executor or administrator, guardian, master in chancery, special commissioner, or other officer or person authorized to sell the lands in question in any such proceeding, or commissioners authorized to make partition of such lands, to cause such lands to be surveyed and subdivided, and a map or plat of the same to be made, showing the lots or parcels of such subdivision or partition designated by numbers or letters; which map or plat shall be acknowledged by the person or persons so causing the same to be made, in like manner as is now required by law in cases of plats or maps made by owners of land, and shall, in like manner, be certified by the surveyor or engineer making the same; which certificate shall contain, among other things, an accurate and definite description of the lands so subdivided or partitioned; and such map or plat shall be submitted to the court for his approval, and if approved by the court, shall be recorded in the recorder's office of the county or counties in which the lands in question in any such proceeding, are situate.

328. *Effect of such maps.*] § 2. Maps or plats of lands made in conformity to the preceding section, when approved by the court, shall have the like authenticity as maps or plats of lands made by owners of the same, and shall be sufficient in law for all purposes whatever.

329. *Costs.*] § 3. The costs and expenses necessarily incurred in making such subdivisions of lands and maps, or plats of the same, together with the cost of the record thereof, shall be taxed as costs in any suit or proceeding in which the court shall order the same to be made.

RULES OF BOARD OF EDUCATION.

GENERAL RULES.

330. § 1. The members of the Board of Education shall meet and organize each year, on the second Monday in June.

331. § 2. At the first, or some ensuing meeting soon after the organization of the Board, the following standing committees shall be appointed to-wit: First, a Committee on School Buildings and Grounds, consisting of three members. Second, a Committee on Text Books, Rules and Regulations, Furniture and Supplies, consisting of three members and the Superintendent. Third, an Auditing Committee, consisting of three members. Fourth, an Examining Committee, consisting of three members of the Board, and the Superintendent, two of whom must be present at each examination of teachers, and three of whose names must be appended to each certificate of examination.

332. § 3. The Board shall hold its meetings on the second Monday in each month, unless otherwise ordered by the Board. The hour for meeting shall be, from November 1 to April 1, at 7 o'clock p. m.; from April 1 to November 1 at 7½ o'clock p. m. A special meeting may be called at any time on request of two members, left with the Clerk.

333. § 4. The meetings being called to order by the president, or one appointed as president *pro tem.*, the order of business shall be :—

- a. Reading of the minutes of the last meeting by the Clerk.
- b. Reports of committees.
- c. Petitions and communications.
- d. Reports and suggestions by the Superintendent.
- e. Miscellaneous and unfinished business.

334. § 5. The president shall maintain order and decorum in meetings, and shall decide all questions of order, subject to appeal to the Board.

335. § 6. When any member is about to speak in debate, or present any matter to the Board, he shall respectfully address himself to the president, and confine himself to the question of debate.

336. § 7. No member, while speaking, shall be interrupted by another, except to call to order or correct a mistake.

337. § 8. No member shall speak more than five minutes at any one time on any motion or order under discussion, nor more than twice on the same question without leave first obtained from the Board, nor more than once until all other members choosing to speak shall have spoken.

338. § 9. All resolutions offered by members of the Board shall be submitted in writing, at the request of any member.

339. § 10. The school year shall commence on the first Monday of September each year, and close on the Friday before the fourth Thursday in June, including a vacation of two weeks from the Friday before Christmas, and a vacation of one week from the first Monday in April of each year, unless otherwise ordered by the Board.

340. § 11. The engagements of the Board with all the teachers of the public schools shall terminate with the close of the summer term of each year, and the appointments for the ensuing year shall be made, so far as practicable, at the regular meeting of the Board in June.

341. § 12. Each director shall constitute a local committee for the ward in which he resides.

342. § 13. No bill, account, demand or claim against the Board shall be allowed, audited or paid, unless the same shall be presented to and allowed by the Board: *Provided*, that the regular salaries of officers and teachers may be allowed by the auditing committee upon certificate of the Superintendent that the work has been performed. The auditing committee, however, shall allow these bills only in case of no quorum at a regular meeting.

343. § 14. The holidays shall be the National or State Thanksgiving and fast days, the 22d of February, and Decoration day.

DUTIES OF THE SUPERINTENDENT.

344. § 1. It shall be the duty of the Superintendent to acquaint himself with whatever principles or facts may concern the interests of education, and with all matters in any way pertaining to the organization, discipline, and instruction of public schools, to the end that all the children of this city who are instructed in the public schools may obtain the best education which these schools can impart.

345. § 2. He shall visit all the schools as often as his duties will permit, and shall pay particular attention to the classification of the pupils, and shall see that the regulations of the Board are faithfully carried out.

346. § 3. He shall attend all the public meetings of the Board, and shall keep the Board constantly advised of the condition of the schools and of the changes required in the same. He shall, moreover, report to the Board, from time to time, such regulations for the government and discipline of the schools as he may deem expedient, and the same may be adopted by the Board, and he shall also perform such other duties as the Board may, from time to time, direct.

347. § 4. The Superintendent shall carefully observe the teaching and discipline of all the teachers employed in the public schools, and he shall make such suggestions and give such instructions to the teachers as he shall deem best calculated to increase their efficiency as instructors. He shall, moreover, report to the Board whenever he finds a teacher deficient or incompetent in the discharge of his or her duties.

348. § 5. He shall attend and advise, when requested, with any standing or special committee, in respect to the matters committed to them.

349. § 6. He shall hold examinations in the different schools as often as practicable, and keep a record of the same; and no pupil shall be transferred from one school to another without his approbation.

350. § 7. In case of sickness or temporary absence of any teacher, he shall be authorized to procure a proper substitute.

351. § 8. He shall prepare and certify to the monthly pay-rolls of teachers and janitors.

352. § 9. It shall be his duty, upon consultation with the local committees, to order and oversee such repairs and improvements as may be necessary, from time to time, to keep all the school property in good condition.

353. § 10. He shall remain in his office, or within call, on Mondays, from nine to eleven o'clock a. m., during term time; and on other school days, from three to four and one-half o'clock p. m.

354. § 11. He shall preserve, at his office, a complete list of all the portable property belonging to the several schools, and during the month of June, in each year he shall cause a careful comparison to be made between this list and the articles belonging to the schools, and report the result to the Board; he shall, further, see that all such property is securely stored during the summer vacation.

355. § 12. He shall annually prepare a report embracing such facts and statistics in reference to the system of public schools of this city as may be of interest to the community.

356. § 13. He shall keep a daily record of his proceedings, which shall be open to the inspection of the Board.

TEACHERS.

357. § 1. All teachers in the public schools are required to make themselves familiar with these regulations, and especially with that portion that relates to their own duties, and to the instruction and discipline of their respective schools, and to see that these are faithfully observed.

358. § 2. The teachers shall punctually observe the hours appointed for opening and dismissing the schools, and, during the school hours, shall devote themselves exclusively to the duties of their charge.

359. § 3. SCHOOL HOURS.—The morning session shall commence at eight o'clock and forty-five minutes, and close at twelve. The afternoon session shall commence at one o'clock and thirty minutes, and close at four: *Provided*, that all pupils who are charged with no delinquencies may be dismissed at half past three. The Friday afternoon session may be shortened half an hour for teachers' meetings.

360. § 4. The teachers shall meet once in four weeks, on Friday afternoon, at half past three, or at the call of the Superintendent, for the purpose of mutual consultation in regard to the interests of the schools, modes of discipline, of imparting instruction, &c., &c. The session may continue two hours. A record of these meetings shall be kept, which shall be open to the inspection of the Board.

361. § 5. All teachers are required to open and remain in their room at least fifteen minutes before the time for commencing, morning and afternoon. They shall not permit disorder, unnecessary noise, or rude conduct in their rooms at any time. Teachers failing to comply with this rule shall report their tardiness to the Superintendent, who shall keep a record of such tardiness, with the cause of same, for the inspection of the Board.

362. § 6. The principals of buildings shall be held responsible for the management of their respective schools. They shall prescribe such rules and regulations for halls, yards and out-buildings connected with the same as shall insure their being

kept in a proper condition. The other teachers shall co-operate with them, not only during school hours, but during the time the pupils are on the school premises, at recess, and before and after school. They shall use all reasonable efforts to prevent pupils from gathering on the school grounds before the hours for opening the school, and they shall require them to leave the premises at the close of the school.

363. § 7. Teachers may visit any of the public schools of the city for the purpose of observing modes of instruction and discipline. Such visits shall not occupy more than two days in a year, and one visiting day only can be taken in any term, and for this purpose only one room in the same building can be dismissed at the same time.

364. § 8. The teachers shall practice such discipline in their schools as would be exercised by a kind, firm and judicious parent in his family; and they shall resort to corporal punishment only when milder means have been tried and found to fail. Each teacher shall keep a list of all cases of corporal punishment inflicted by said teacher, and at the close of each month shall report the same to the Superintendent, with date, name of pupil, and cause of such punishment.

365. § 9. They shall open school at the appointed time, devote themselves exclusively to their work, during school hours, maintain good order, and adhere to the course of study prescribed by the Board.

366. § 10. No teacher shall read or distribute any advertisement, nor allow any advertisement to be read or distributed in any school room, or upon any of the school premises.

367. § 11. Notice of the supplies or repairs required in any of the school rooms should be sent, in writing, to the Superintendent.

368. § 12. The books used and the studies pursued shall be such, and only such, as may be authorized by the Board; and no pupil shall be allowed to retain connection with any public school unless furnished with books, slate, and other utensils required to be used in the class to which he belongs: *Provided*, that no pupil shall be excluded for such cause unless the parent or guardian shall be furnished by the teacher with a list of books or articles needed, and one week shall have elapsed after such notice without the pupil obtaining said books.

369. § 13. It shall be the duty of all teachers, from time to time, to send reports to parents in such form as the Superintendent shall direct, indicating the rank of their children in scholarship and deportment. They shall also immediately notify parents of any irregularity in attendance on the part of their children,

unless they have good reason to believe that such irregularity is unavoidable and with the parents' knowledge and consent.

370. § 14. It shall be the duty of each teacher having charge of a room to make out a programme of recitation and studies of the different classes in the school, at the beginning of each term, placing the same in a conspicuous place in the school room for reference, and furnish the Superintendent with a copy, and notify him of any changes in the same.

371. § 15. The Board will not take notice of any charge against any teacher or teachers unless presented in writing and signed by at least one responsible person.

372. § 16. No teacher shall have the right to resign during the term for which he or she was appointed, without the consent of the Board, and at least two weeks' notice, but the Board reserves the right to dismiss any teacher at its pleasure.

373. § 17. During the noon intermission, a teacher shall remain at each school building to preserve order among those who may be permitted to be in their room during this time.

374. § 18. Each teacher shall keep his or her register and class book neatly and accurately, and in accordance with the prescribed forms, and at the end of the year return them to the Superintendent at his office.

375. § 19. The teachers are expected to give vigilant attention to the ventilation and temperature of their school rooms.

376. § 20. Teachers are prohibited from awarding prizes to the pupils under their charge, unless authorized by the Board.

377. § 21. They shall read from time to time, and explain to their schools, all the rules relating to pupils, that they may be distinctly understood.

PUPILS.

378. § 1. None but legal residents of Galesburg, between the ages of six and twenty-one years, shall be admitted into any of the public schools without permission of the Board, and the payment, in advance, of tuition, at the rate of fifty cents per week.

379. § 2. Pupils can only be admitted to the schools, for the first time, by a permit issued by the Superintendent, entitling them to enter Monday morning of any week. Pupils may be received during the first three days of any term; after which, application for admission must be made on Monday mornings, at the office of the Superintendent.

380. § 3. Each scholar who shall be absent four half-days, or tardy four times, or who shall leave school without permission twice within four consecutive weeks, without a statement from the parent or guardian, given in person or by written note, stating that these absences were caused by his own sickness, or sickness in the family, or to avoid an imprudent exposure of health, or unless such absences shall be in accordance with previous request of the parent or guardian, given in person or by written note, shall forfeit his seat in school; and the teacher shall forthwith notify the parent that the pupil is suspended: *Provided*, that no teacher shall be required to enforce this regulation until other reasonable means for correcting such irregularities have been tried. No pupil who has been thus suspended shall be restored until the Superintendent has received satisfactory assurance from the parent or guardian that these irregularities will be corrected in the future. All restorations by the Superintendent shall take effect upon the first day of the school month next succeeding such restoration, unless in special cases, which may be left to the discretion of the Superintendent.

381. § 4. The Superintendent, with the advice and under the direction of the Board, shall have power to classify all the pupils attending the public schools, and to assign them to such rooms and buildings as shall best subserve the interests of all the schools.

382. § 5. No pupil shall be transferred from one school to another without permission from the Superintendent, and no pupil under censure in one school shall be transferred to another until that censure is removed.

383. § 6. No pupil known to be affected with any contagious or infectious disease, or coming from a family where such disease prevails, shall be received or continued in any school.

384. § 7. Any pupil guilty of defacing or injuring any school property shall pay in full to the extent of the damage, and be liable to suspension or expulsion in case such injury was wantonly committed.

385. § 8. Any pupil who shall be absent from any regular examination shall forfeit his or her seat, and shall not thereafter enter any of the schools of the city without a special permit from the Superintendent.

386. § 9. Whenever a parent or guardian wishes to have a pupil excused from any regular study of his class, or regularly during any portion of school hours, for any reason whatsoever, he shall apply to the Superintendent in person or by written note, stating the reasons for such request; and the Superintendent shall have power to grant it, and it shall be his duty to make a record of all such permits with reasons therefor.

387. § 10. All scholars are required to refrain from every kind of rude behavior in the school buildings, such as loud and boisterous laughing and talking, whistling, running and scuffling; and to conduct themselves as well-bred persons would do in a private house.

388. § 11. No games shall be permitted in the basement or yards which will endanger the safety of any property in the buildings, or on adjoining grounds; nor upon the streets to the annoyance of passers-by. Pupils are prohibited from throwing snowballs, or missiles of any kind, on the school premises, or on the streets adjacent.

389. § 12. Whenever the teacher of any school shall report to the Superintendent the name of any pupil whose conduct is considered such that he or she is unfit to be a member of the school, the case shall at once be examined by the Superintendent, and if, in his judgment, the pupil has been duly admonished, and he exhibits no signs of reformation, he shall temporarily suspend the pupil. He shall inform the parent, stating the cause of suspension. Any pupil thus suspended may be restored at the discretion of the Superintendent; but no pupil shall be finally expelled from school without the action of the Board. A record of all suspensions and expulsions shall be kept at the office of the Superintendent.

390. § 13. No pupils shall be advanced from one grade to another except by special permission of the Superintendent, until they are able to sustain a satisfactory examination in all the studies of the grade from which they are to be transferred. They should be able to read any of the lessons they have gone over, with proper expression; explain the meaning of any of the words; give the names and uses of the different marks used, and spell any of the words by letters and by sounds. All promotions shall be made at the commencement of the school month. Pupils may be sent into a lower class whenever their scholarship has been of the third rank two months in succession, or whenever it seems probable that they will not attain a fair standing in the class to which they belong. The third rank shall be below an average of 75 per cent.

391. § 14. Any child who comes to school without having given reasonable attention to cleanliness of person or dress, may be sent home to be prepared for school in a proper manner.

392. § 15. All pupils shall be considered as belonging to the school of suitable grade nearest their residences, unless for sufficient reasons the Superintendent shall assign them to another school.

393. § 16. The annual public examinations of schools shall take place at the close of the winter term. Other examinations

may be held from time to time by the Superintendent and teachers.

394. § 17. Teachers may require pupils, guilty of insubordination, to make an apology as openly and explicitly as the nature of the case may require.

DIRECTIONS FOR KEEPING RECORDS.

395. § 1. The ages of all pupils shall be taken in years and months immediately upon their entering school.

396. § 2. Every pupil, upon entering the school, prepared with books and other requisites for performing his work, shall be enrolled as a member of the school, and the record of every pupil so enrolled shall be preserved, and shall enter into and form a part of the record of the school, whether he be a member for one day, for one week, or for an entire term.

397. § 3. Every pupil who shall have been in attendance during half or more than half of a given session shall be accounted present for that session; otherwise he shall be accounted absent.

398. § 4. The name of any pupil who shall have been absent five consecutive days for sickness shall be dropped from the roll; and the name of any who shall have been absent for three consecutive days for unknown cause, or for other cause than sickness, shall be dropped from the roll as soon as the teacher has positive knowledge that he has left and does not intend to return.

399. § 5. No record of attendance shall be kept for any half day unless the schools shall have been in session for at least one-half of the half day.

400. § 6. Any pupil that shall be absent from the school-room at a definite time previously fixed for the beginning of the session shall be marked tardy; except in case where a pupil, after having been present in the school room shall be sent by the teacher into other parts of the school building, or upon the school premises to attend to business connected with the school.

401. § 7. The average number belonging shall be found by dividing the whole number of days of *membership* by the number of days of school.

402. § 8. The average daily attendance shall be found by dividing the whole number of days *present* by the number of days of school.

403. § 9. The per cent. of attendance shall be found by dividing one hundred times the average daily attendance by the average number belonging.

RULES OF THE CITY COUNCIL.

404. § 1. A majority of the members elected shall constitute a quorum for the transaction of business.

405. § 2. The City Council shall keep a record of its proceedings. At the request of any member the yeas and nays shall be taken on any question and entered on the records.

406. § 3. Any ordinance presented to the Council for passage shall be deferred, for final action thereon, to the next meeting after such ordinance is presented, at the request of any two Aldermen present.

407. § 4. The Mayor shall take the chair at the hour appointed for the Council to meet, and immediately call the members to order; he shall order the roll to be called, and at the instance of any two members present, compel the attendance of absent members.

408. § 5. The Mayor shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; shall decide questions of order, subject to an appeal by any two members, on which appeal no member shall speak more than once except by leave of the Council.

409. § 6. Whenever the Mayor wishes to participate in the debating of a question before the Council, he shall first vacate his seat, and call some member to the chair.

410. § 7. The Mayor shall have the right to name any member to preside temporarily over the Council, but such substitute shall not lose the right of voting on any question while so presiding, nor shall such substitution extend beyond one meeting.

411. § 8. When any member is about to speak or present any matter before the Council, he shall rise from his seat, and address himself to "Mr. Mayor," but shall not proceed until recognized and named by the Mayor. If any two members rise at once, the Mayor shall name the member who is to speak first.

412. § 9. If any member, in speaking (or otherwise) transgresses the rules or indulges in any personalities or reflections injurious to the feelings of any member, or the harmony of the Council, the Mayor shall, or any member may, call him to order.

The member, when called to order by the Mayor, shall sit down, unless permitted to explain. If he appeals, the Council shall decide the point without debate.

413. § 10. No member shall speak more than twice to the same question, nor more than once, until every member choosing to speak shall have spoken, nor longer than five minutes without the consent of the Council.

414. § 11. While the Mayor is putting a question or addressing the Council, no member shall walk out of or across the room, nor in such case, or when a member is speaking, shall entertain private discourse; nor, when a member is speaking, shall pass between him and the chair.

415. § 12. When a question is stated, every member present shall vote, unless excused by the Council; or, unless directly interested in the question, in which case he shall not vote.

416. § 13. No motion shall be entertained unless seconded; when seconded, it shall be stated by the Mayor, and if any member requires it, reduced to writing.

417. § 14. When a motion or resolution has been stated by the Mayor, it shall be deemed to be in possession of the Council, but may be withdrawn at any time, by the unanimous consent of the Council, before decision or amendment.

418. § 15. When the yeas and nays shall be taken on any question, no member shall be permitted to vote or to change his vote after the decision is announced from the chair, unless by the unanimous consent of the Council.

419. § 16. If a question, under consideration, contains more than one distinct proposition, it may be divided, upon the request of any member; but on motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition.

420. § 17. When a question is under debate, no motion shall be received, but to adjourn, to lay on the table, for the previous question, to postpone indefinitely, to postpone to a certain time, to refer or to amend, which motions shall have precedence in the order in which they stand arranged.

421. § 18. A motion for adjournment is always in order, except when the roll is being called, and shall be decided, as well as the motion to lay on the table, without debate.

422. § 19. A motion for the previous question, to lay the question on the table, or to commit it, shall, until decided, preclude all amendment or debate of the main question; and a motion to postpone a question indefinitely, or to adjourn it to a certain

day, shall, until it is decided, preclude all amendment to the main question.

423. § 20. No motion to postpone to a certain time, or indefinitely, or to commit, being decided in the negative, shall be again allowed at the same meeting.

424. § 21. When a blank is to be filled, and different sums or times are proposed, the question shall first be put upon the largest sum or longest time.

425. § 22. A motion to strike out the words: "Be it ordained, etc.," of an ordinance, shall have precedence to a motion to amend, and, if carried, shall be deemed equivalent to the rejection of the ordinance.

426. § 23. The previous question shall be stated in this form: "Shall the main question be now put?" When it is decided: "The main question shall not now be put," the main question shall be considered as still remaining under debate.

427. § 24. The effect of the main question being ordered, shall be to put an end to all debate, and bring the Council to a direct vote upon all amendments pending in the inverse order, in which they were offered. After the motion for the previous question has prevailed, it shall not be in order to move to adjourn, prior to a decision of the main question.

428. § 25. When a question has been once put and carried in the affirmative or negative, it shall be in order for a member of the majority to move for a reconsideration thereof, or give notice that he will make such motion at the next meeting of the Council, for which time he shall have control of the motion, but no motion for reconsideration shall be in order unless within the next meeting of the Council: *Provided*, that should the member giving notice of a motion to reconsider, not make such motion within the prescribed time, any other member voting with the majority, may make such motion at the next meeting. Such question shall take precedence of all other questions, except a motion to adjourn.

429. § 26. In all cases, the name of a member offering a resolution or motion, shall be entered with it upon the journal.

430. § 27. The Standing Committees of the Council shall be as follows: On Finance and Water; on Police; on Streets and Alleys; on Sidewalks, Public Buildings and Public Grounds; on Fire; on Street Lighting; on Miscellaneous Matters. Each committee shall consist of three members, to be appointed annually by the Mayor, unless otherwise provided for, as in Section 28, and the first named of each committee shall be the chairman. When motions are made for reference to a select and to a standing committee, the reference to the standing committee shall be put first.

431. § 28. All committees shall be appointed by the Mayor, provided, however, that the Council shall have the right at any time to increase committees already appointed by the Mayor, and name the additional members; and the Council at the beginning of the year may by resolution appoint the members of all committees either standing or special.

432. § 29. Committees to whom any subject may be referred, shall report in writing, addressed to the City Council of the city of Galesburg.

433. § 30. The City Clerk shall forward all papers to the appropriate committees and officers, as early as the next day after the reference shall be made, by the City Marshal, who shall deliver them.

434. § 31. No petition for the remission of a fine under any ordinance of the city shall be granted, without a vote of two-thirds of the Council: *Provided*, that when the petition is signed by the court or jury imposing the fine, it shall require a majority only to remit the fine.

435. § 32. Every proposition involving the expenditure of money, shall be referred to an appropriate standing committee, and a report thereon made to the Council, by said committee, before the Council vote upon the expenditure.

436. § 33. The regular stated meetings of the City Council shall be held at the Council Rooms on the first Monday of each month, at 7 o'clock p. m., from October 1 to April 1, and for the remaining six months at 7:30 o'clock p. m.; and adjourned meetings may be held for the purpose of completing the unfinished business of the regular meetings, at such time as may be appointed by the City Council.

437. § 34. Special meetings may be called and held by notification to each member of the Council, served personally, or left at his usual place of abode, stating the object and purpose of such meeting; and no business shall be transacted at such special meeting, except such as the meeting was called for and notification was given thereof.

438. § 35. The City Marshal, or some person appointed by him, at his own cost, shall attend all meetings of the Council and execute all their orders.

439. § 36. No person shall be permitted to smoke in the Council Chamber during session of the Council except by unanimous consent; nor shall any member of the Council place his feet or legs upon his desk.

440. § 37. The order of business shall be as follows:

- a.* Reading of minutes of last meeting, unless dispensed with, and their amendment or correction.
- b.* Presentation of petitions, and claims and bills (which shall always be in writing).
- c.* Communications to the Council.
- d.* Reports of officers.
- e.* Reports of standing committees.
- f.* Reports of special committees.
- g.* Unfinished business of the preceding meeting.
- h.* New business.

441. § 38. All questions as to the priority of business shall be decided without debate.

442. § 39. At adjourned meetings, the unfinished business of the preceding meeting shall have the precedence in general order of business.

443. § 40. The rules of proceeding in the Council, shall be observed in the committee of the whole, as far as they may be applicable.

444. § 41. In forming a committee of the whole, the Mayor shall leave his chair, and a chairman to preside in the committee shall be appointed by the Mayor.

445. § 42. When the Council has resolved itself into a committee of the whole, the Mayor shall not be entitled to any vote; but shall be allowed to speak upon any question before the Committee.

446. § 43. The rules of parliamentary practice, comprised in Robert's Rules of Order shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the rules of the Council.

447. § 44. The foregoing rules, or any of them, shall not be repealed, annulled, amended, abridged or modified except by a vote of two-thirds of the full Council, upon one month's previous notice. To suspend the rules shall require a majority of the members present.

At the regular meeting of the City Council held March 6th, 1882, the following proceedings were had:

Alderman Gale, from the Committee on Revision of Ordinances, presented the following report:

The committee are of opinion that a thorough and careful revision of the ordinances is desirable, that such revision to be worth making should be well and completely done, the ordinances made to conform to, where they now conflict with, the Charter, the Constitution and Statutes of the State and the decisions of the courts; that the occasion should be taken to drop all obsolete provisions, or such as experience has shown to be unnecessary, and to make such other amendments as will render the ordinances harmonious and simple, better understood and more effective. They are of opinion if the work is to be done, it should be done by a well-selected commission, that the revisers should report to the Council the ordinances in their proposed new shape and carefully compared with those now in force, so that the Council may intelligently pass upon all the proposed changes. They recommend the passage of the following resolution:

That the Mayor be requested to appoint two competent persons to prepare and submit to the Council for their adoption or rejection an ordinance in revision of the ordinances of the city.

The foregoing report was adopted and the following were appointed as such commission: Frederick A. Willoughby and Geo. A. Lawrence, and ex-officio George W. Prince, City Attorney and W. A. Ryan, City Clerk.

Attest:

W. A. RYAN, City Clerk.

REVISED ORDINANCES.

AN ORDINANCE

IN REVISION OF THE GENERAL ORDINANCES OF THE CITY OF
GALESBURG.

Be it ordained by the City Council of the City of Galesburg:
That the ordinances of the city of Galesburg of a general character be and the same are hereby revised so that the same shall read as follows :

CHAPTER I.

WARDS.

Section.

1. First Ward—boundaries of defined.
2. Second Ward—boundaries of defined.
3. Third Ward—boundaries of defined.
4. Fourth Ward—boundaries of defined.

Section.

5. Fifth Ward—boundaries of defined.
6. Sixth Ward—boundaries of defined.
7. Seventh Ward—boundaries of defined.

The city is hereby declared to be divided into seven wards as follows, to-wit:

448. § 1. The territory bounded on the north by the center line of Main street, on the south by the center line of South street, on the east by the center line of Seminary street, on the west by the center line of West street shall constitute the First Ward.

449. § 2. The territory bounded on the north by the center line of North street, on the south by the First Ward, on the east by the center line of Seminary street, on the west by the center line of West street shall constitute the Second Ward.

450. § 3. The territory bounded on the west by the center line of West street, and by the same line extended to the northern limits of the city, on the south by the center line of North street, and the same extended to the eastern limits of the city, and bounded on the north and east by the city limits, shall constitute the Third Ward.

451. § 4. The territory bounded on the north by the Third Ward, on the west by the center line of Seminary street, commencing at the intersection of North street and running thence south to the center line of South street, and by the center line of Pearl street, commencing at the intersection of South street and running thence south to the city limits, on the south by the center line of South street, from the center of Seminary street to the center of Pearl street and by the city limits, and on the east by the city limits, shall constitute the Fourth Ward.

452. § 5. The territory bounded on the north by the center line of South street, and the same line extended to the western limits of the city, on the east by the center line of Cherry street, commencing at the intersection of South street and running thence south to the center of Brooks street, and by the center line of Broad street, and the same extended to the southern limits of the city, on the south by the center line of Brooks street from Cherry street to Broad street and by the city limits, and on the west by the city limits, shall constitute the Fifth Ward.

453. § 6. The territory bounded on the south by the Fifth Ward, on the east by the First, Second and Third Wards, on the north and west by the city limits shall constitute the Sixth Ward.

454. § 7. The territory bounded on the north by the First, Fourth and Fifth Wards, on the east by the Fourth Ward, on the west by the Fifth Ward, and on the south by the city limits shall constitute the Seventh Ward.

CHAPTER II.

OFFICERS.

Section.

1. Officers—names of.
2. Term of.
3. Town officers.
4. Official bonds.
5. Commissions.
6. Must pay over money.
7. Salaries.
8. Books open to inspection.
9. Absence of.

Section.

10. Misconduct, etc.
11. Charges against—hearing.
12. Witnesses compelled to attend hearing.
13. Vote on charges.
14. Officers may be suspended pending charges, etc.
15. Officers *pro tem*.
16. Removal without charges.

455. § 1. The officers of the city shall be a Mayor, a City Council, a City Clerk, a City Attorney, a City Treasurer, a City Engineer and Surveyor, a City Marshal, a City Superintendent of Streets, a City Superintendent of Street Lighting, a City Sealer of Weights and Measures, a City Inspector of Mineral Oils, a City Pound-Master, a City

Commissioner of Health, a City Physician, a City Inspector and a City Poormaster, of which the Mayor, City Council, City Clerk, City Attorney and City Treasurer shall be elective, and all the others appointive officers.

456. § 2. The Mayor, City Council, City Clerk, City Attorney, City Assessor and City Treasurer shall hold their respective offices for such time as is prescribed by law, and all other officers named in section one of this chapter, shall be appointed during the month of April in each year, and shall hold office for one year, and until their successors are appointed and qualified.

457. § 3. The offices of City and Town Clerk in the city and town embraced within the limits of the city of Galesburg shall be united in the same person. The election of Highway Commissioner shall be discontinued, the offices of Supervisor and Poormaster shall be separated, and the Poormaster appointed by the City Council.

458. § 4. All official bonds shall be submitted to the City Council for their approval, which approval, when given, shall be certified thereon by the Clerk, and said bonds shall be filed and preserved in his office. The City Council may, at any time, require a new bond to be executed by any city officer, if from any cause they shall deem the old bond, or the sureties thereon to be insufficient; but the execution of such new bond shall not in any manner affect any liability, loss, or damage incurred under the old bond, or release the sureties from any liability incurred thereon. When any city officer, except the Mayor, Alderman and City Clerk, shall have qualified, as required by the charter and ordinances of the city, the City Clerk shall make out and deliver to him a commission under the corporate seal, signed by the Mayor or presiding officer of the City Council and the City Clerk.

459. § 5. The commission shall be substantially as follows:

A. B., Mayor of the city of Galesburg: To all to whom these presents shall come, greeting: Know ye, that C. D. having been duly elected (or appointed, as the case may be), and qualified to the office of of the city of Galesburg: I, A. B., Mayor of said city, for and in behalf of the people thereof, do hereby commission him, in and for said city, to have and possess the said office, with all the rights, powers, and emoluments incident thereto, with authority to execute all the duties thereof according to law, until his successor shall be duly chosen and qualified.

In testimony whereof, I have hereunto set my hand,

[L. S.]

and caused the corporate seal of said city to be affixed, this day of, A. D., one thousand eight hundred and

By the Mayor.

....., Mayor,
....., Clerk.

460. § 6. All officers collecting or receiving any moneys on account of the city, shall pay the same as fast as collected, into the city treasury, and shall, on the first Monday of each month, report to the City Council an accurate statement of all moneys received by them during the preceding month, specifying the amount, from whom, and on what account received. No officer shall retain any moneys collected or received by him, toward the payment of any salaries or fees which may be coming to him from the city, but shall pay the same into the treasury. Any officer violating any provision of this section shall be subject to a penalty of not less than ten dollars, and shall also be subject to removal from office.

461. § 7. The salaries of all city officers, unless where otherwise specially provided, shall be payable monthly on the first Monday of each month; and they may present their accounts to the City Council for adjustment. But no warrant shall be drawn in favor of any officer, for the payment of his salary, until he shall have filed his report as is herein required; nor shall any warrant, in any case, be drawn in favor of any officer who shall be in default or arrears to the city.

462. § 8. The records, books and papers pertaining to any city office, shall, at all reasonable times, be subject to the inspection and examination of the Mayor, the City Council, or any of its committees, or any person interested in the same; and all city officers shall, when requested, give all the information in their power pertaining to their respective offices, to the City Council or any of its committees, the Mayor, or any other department of the city government.

463. § 9. If any city officer shall remove from the city or absent himself therefrom for three months, his office shall thereby be vacated. Any officer desiring to be temporarily absent, shall apply to the City Council, if in session, or if not, to the Mayor, for leave of absence; which may be granted for any time not exceeding one month, by the Mayor, or by the City Council not exceeding three months. Any officer who shall absent himself from the city for more than one week, without such leave of absence, shall be subject to a penalty of not less than twenty dollars, for each week he may so absent himself.

464. § 10. All officers shall be liable to the city, for all loss or damage that may arise from their omission of duty, corruption in office, or willful misconduct in the discharge of any official duty; and the City Council may, in their discretion, by order, withhold the salary of any officer in order to secure the city from loss. And if any officer shall fail, neglect, or refuse to discharge or perform any duty required of him, the City Council may em-

ploy or appoint some competent person to perform such duty, and the costs and expenses of doing the same shall be charged to such officer, and deducted from his salary; or, if his salary shall be insufficient to pay the same, they may be recovered by suit in the name of the city before any court having jurisdiction.

465. § 11. Whenever it shall come to the knowledge of the Mayor, or any member of the Council, that any city officer is incompetent, or has willfully neglected or refused to discharge any of the duties of his office; or has been guilty of any malfeasance, misfeasance, or other improper conduct in the discharge of his official duties, he shall forthwith prefer charges in writing against such officer, to the Council, specifying the nature of the offenses with which he is charged. The City Council shall immediately appoint by ballot a committee of three members, to examine into such charges, who, if upon such examination they shall deem them well founded, shall frame such charges, with any additional charges they may find probable cause for preferring, with full specifications, and report them to the Council, whereupon the Council shall set a day within ten days for hearing and determining the same. A copy of the charges and specifications, with a notice of the day set for hearing the same, shall, without delay, be made out by the City Clerk and delivered to the accused. Upon the day appointed, the City Council shall proceed to hear and examine all evidence that may be offered, on both sides; and may, if necessary, adjourn from day to day.

466. § 12. The Mayor shall issue warrants under the corporate seal, for all witnessess, or the production of all papers that may be required, either before the City Council, or before the special committee, and deliver the same to the City Marshal, who shall serve the same, by reading or by delivering a copy thereof to the person summoned, and shall make a return in what manner he has executed the same. And any person who shall neglect or refuse to appear, or to testify when so required, or to produce any papers which he may have in his possession, or under his control, pertaining to such trial, shall be subject to a penalty of not less than fifty dollars, and may be compelled to appear or testify in any other legal manner. When any witness may be unable to attend, from sickness or other cause, or is beyond the jurisdiction of the City Council, his deposition, taken in accordance with the laws of the State, may be read in evidence.

467. § 13. The City Council shall, upon concluding such examination, vote by ayes and noes upon the charges. The question upon each charge shall be, "*Is the accused guilty?*" and if two-thirds of all the Aldermen required by law to be elected, shall vote that he is guilty of any charge preferred, they may

resolve that he be removed from office; and the Council shall thereupon proceed to fill such vacancy according to law. The proceedings shall be entered at large upon the journals by the City Clerk. The accused shall be heard, if he shall so desire, by himself or counsel in his defense, and the City Attorney, if required, shall attend and prosecute on behalf of the city. But no exceptions shall be taken or allowed as to the form of the charges or specifications; and it shall be sufficient if the offense charged is clearly and substantially set forth.

468. § 14. When any charge shall be so preferred, the officer may, by a two-thirds vote of the Council, be suspended until it is disposed of, and the City Council may make a temporary appointment to fill such vacancy. If any officer shall, without good cause, neglect to appear at the time appointed, and answer the charges against him, his office shall be declared vacant. Any officer who may be removed from office, shall not receive any salary from and after the date charges are preferred against him.

469. § 15. When any particular officer, required by ordinance to execute any particular duty, shall be absent, or incompetent, or otherwise unable to discharge such duty, the Mayor may assign the discharge of such duty to some other officer, and such officer shall act in such case with the same power and authority, as if specially named in the ordinance.

470. § 16. Any officer appointed by the City Council, may be removed from office at any time, by a vote of two-thirds of all the Aldermen required by law to be elected. But the City Council may, at its option, cause charges to be preferred against such officer, and proceed to hear and determine the same in the same manner as is heretofore prescribed in this chapter.

CHAPTER III.

THE MAYOR.

Section.

1. Shall enforce laws and ordinances—
supervision of officers.
2. Decide applications for licenses except
dram-shop licenses.

Section.

3. Appoint officers.
4. Offer reward for criminals.

471. § 1. The Mayor, in addition to the duties required of him by law, shall take care that the laws of this State and the ordinances of the city be enforced, and that the peace and good order of the city be preserved; he shall exercise a general supervision over all other officers of the city, and cause any neglect or violation of duty on the part of any officer to be promptly corrected.

472. § 2. The Mayor shall decide upon all applications for license, except licenses to keep a dram shop, and grant or reject the same; but it shall be his duty to grant all such applications where the same are in accordance with law and the ordinances of the city, and the applicant is of the age of twenty-one years, of good moral character, and is qualified according to law and the ordinances of the city to receive the same, and the Mayor shall have power to revoke any license so granted by him for a violation of law or the ordinances of the city or for gross misconduct on the part of the licensee: *Provided*, that the party aggrieved may appeal to the City Council at the next regular or special meeting, when if a majority of all the members elect to the City Council shall so vote, said license shall again become valid and of full force.

473. § 3. The Mayor shall appoint, with the advice and consent of the City Council, all officers of the city not elective, or whose appointment shall not be otherwise provided for by law, and whenever any vacancy occurs in any office, he shall, except where the law otherwise provides, appoint with the advice and consent of the City Council, some person to fill such vacancy, and for that purpose he shall, within thirty days after such vacancy occurs, present to the City Council a nominee for such vacancy, and shall immediately, upon the occurrence of said vacancy, designate some person to discharge the duties of said office until said vacancy is filled.

474. § 4. The Mayor, whenever he shall deem it necessary, may issue his proclamation offering a reward of not more than three hundred dollars for the arrest of any one who may have committed a felony within the city of Galesburg.

CHAPTER IV.

THE CITY COUNCIL.

Section.

1. Regular meetings.

Section.

2. Compensation.

475. § 1. The City Council shall hold their regular meetings on the first Monday of each month in such place as shall at the time be used as the City Council chamber.

476. § 2. The compensation to be paid to Aldermen is hereby fixed at two dollars to each Alderman, for each meeting of the City Council actually attended by him, and no other compensation than for attendance upon such meetings shall be allowed to any Alderman for any services whatsoever.

CHAPTER V.

THE CITY CLERK.

Section.

1. Shall provide ballot-boxes, etc.
2. Notify Mayor of election returns.
3. Keep blanks for physicians, etc.
4. Attest licenses, etc.
5. Issue notices.

Section.

6. Draw warrants upon treasury.
7. Keep accounts with officers collecting money.
8. Keep account of city revenue.

477. § 1. The City Clerk shall, in addition to the duties of his office as prescribed by law, provide a sufficient number of ballot boxes, blanks and forms for the use of the judges and clerks of election, which shall conform in all respects to the requirements of law upon that subject.

478. § 2. The City Clerk shall, as soon as all the returns of any election shall have been filed with him in accordance with law, without delay, notify the Mayor thereof.

479. § 3. The City Clerk shall provide and keep constantly on hand and furnish on request without charge to physicians and mid-wives practising in the city, and to acting coroners for use in the city, printed blank certificates of death. He shall also record in a book kept by him for that purpose, the substance of all certificates of death furnished him by physicians, midwives and acting coroners, and upon receipt of each such certificate he shall sign and issue a burial permit, or permission to remove the corpse from the city for burial, as may be desired.

480. § 4. The City Clerk shall attest all licenses granted by the Mayor or City Council, and shall keep a registry of the same, showing the date of issue, time of expiration, business licensed and amount paid.

481. § 5. The City Clerk shall issue notices of special meetings to the members of the City Council when directed by the Mayor or any three Aldermen so to do, and all other notices which he may be directed by the City Council to issue; he shall also issue notices to the members of the different committees of the City Council, and to all persons whose attendance may be required before any such committee when thereto directed by the chairman thereof, or whose attendance may be required before the City Council when so directed by the Mayor.

482. § 6. The City Clerk shall, upon the allowance of any account or claim by the City Council, draw a warrant therefor upon the city treasury, payable to the claimant or order, which warrant, when signed by the Mayor and countersigned by the

Clerk, shall be paid by the City Treasurer. He shall keep in a suitable book an accurate list of all warrants drawn on the treasury, stating the date, number and amount thereof, and the name of the person in whose favor drawn; and he shall take the receipt of such person for the warrant upon the delivery thereof.

483. § 7. The City Clerk shall keep all accounts pertaining to the finances of the city. He shall keep an accurate account with all city officers and others collecting or receiving any moneys, property or claims on account of the city, charging them with all moneys or property received by them, or claims placed in their hands for collection, and crediting them with all moneys paid into the treasury, upon their filing the Treasurer's receipts, or with claims or accounts uncollectable, or other proper credits, upon filing the proper vouchers. The Treasurer shall be credited with all warrants cancelled and returned.

484. § 8. The City Clerk shall keep a detailed and specific account of the city revenue, keeping an account with each separate fund, crediting the same with all receipts, and charging it with all appropriations or warrants drawn thereon. He shall charge each warrant to the fund or appropriation on which it is drawn. He shall keep an accurate account of all debts due by or owing to the city, and shall keep a bill book in which he shall enter a correct list of all bonds, notes, or other obligations given by or payable to the city, with the date thereof, the person to whom or by whom owing or payable, and the rate of interest, and the time and manner in which the principal and interest are payable, and such other particulars as may be necessary to a full understanding thereof. No account shall be allowed, or warrant drawn in favor of any person indebted to the city, or of his assignee, except for the balance which may be due over and above the amount due the city.

CHAPTER VI.

CITY ATTORNEY.

Section.

1. Shall prosecute and defend suits for city.
2. Shall advise City Council, etc.: examine assessments and tax lists, etc.

Section.

3. Report cases, etc.
4. Collect executions—appeals.
5. City Attorney *pro tem*.

485. § 1. The City Attorney shall prosecute or defend in behalf of the city, in all cases in which the interests of the city, or the official acts of any officer are involved. He shall, when required, prosecute any suit brought in the name of the city, before any magistrate in the city.

486. § 2. He shall, when required, advise the City Council or any of its committees, or any city officer, in relation to any matter of law, in which the interests of the city are in question. He shall examine all assessments and tax lists, and other papers in relation to the assessment or collection of taxes or assessments, and approve the same; draft any ordinance, bond, contract, or other instrument of writing in behalf of the city; examine and approve the same when required by the City Council, any of its committees, or the Mayor. When his written opinion shall be required by the City Council, or the Mayor, on any question of interest to the city, he shall furnish it and keep a record thereof in a suitable book.

487. § 3. He shall report to the City Council, without delay, after the adjournment of each term of any court of record, and at such other times as he may be required, the state or disposition of all cases of the city pending in such court. He shall examine all fee bills of officers of courts, and others, and certify to the correctness of the same, and the liability of the city therefor.

488. § 4. He shall cause execution to be issued, upon all judgments recovered in favor of the city, and attend to their prompt collection. He shall report to the City Council, or to the Mayor, all cases in which he shall deem it expedient to take any appeal, or writ of error on behalf of the city, and the City Council may, by an order or resolution, authorize the same to be done; whereupon the Mayor shall enter into such bond or other obligation on the part of the city, under the corporate seal, and with such sureties as may be necessary; and such sureties shall be indemnified by the city from all loss or damage. He shall prepare and file all necessary papers in all cases in which the city is a

party or interested. The City Clerk shall deliver to him any bond or other paper necessary to be used in any suit, or other proceeding, taking his receipt for the same.

489. § 5. The City Attorney may, in case of his temporary absence, or in case he is otherwise, for any reason, unable to attend to the duties of his office, with the consent of the Mayor, and at his own expense, appoint some competent attorney to act in his place.

CHAPTER VII.

CITY TREASURER.

Section.

1. Shall keep accurate accounts of money received and paid.
2. Report to Council.

Section.

3. Keep account with Justices of the Peace.
4. Collect all bills due the city..

490. § 1. The City Treasurer shall keep such books as may be necessary, and keep an accurate account of all moneys received and disbursed by him on account of the city, stating from whom and on what account received, and to whom and on what account paid.

491. § 2. He shall, on the first Monday of each month, report to the City Council a specific statement of all receipts and expenditures for the preceding month.

492. § 3. He shall keep an account with the police magistrate and each justice of the peace, charging them with the amount of fines assessed and crediting his account with the amount of fines paid into the treasury or released, and shall from time to time report to the City Council the condition of such accounts.

493. § 4. It shall be the duty of the City Treasurer to collect all bills due the city, except where otherwise provided by law.

CHAPTER VIII.

CITY ENGINEER AND SURVEYOR.

Section.

1. Shall make plans for public works.
2. Inspect materials therefor.
3. Make surveys of grades, etc.
4. Keep record of surveys, etc.

Section.

5. Mark grade for structures, etc, without charge.
6. Provide himself with field notes.
7. Erect monuments.

494. § 1. The City Engineer and Surveyor shall, when required by the Mayor, the Council, or any of its committees, make out plans, estimates and specifications for any public work which may be ordered, or proposed by the City Council, and superintend the construction thereof.

495. § 2. He shall, when required by the proper authority, receive, inspect and measure any lumber or other materials to be used for any public work, and keep an accurate account in a suitable book, of the quantity and quality of the same from whom received, the cost thereof, and also for what purpose used, or to be used, and to whom delivered. He shall examine all accounts for materials received by him on account of the city, and if correct, certify the same to the City Council.

496. § 3. He shall, when required by the City Council, make surveys of the grades or boundaries of streets and alleys, and prepare plats or profiles thereof, and report the same to the City Council; and no such survey of any grade or boundary shall be established and valid, until the plat or profile thereof shall be reported to and approved by the City Council. He shall receive from the City Clerk all plats and other papers pertaining to his department, as soon as the City Council shall have no further use therefor.

497. § 4. He shall make out and keep a diagram or plat of all the grades and boundaries of streets and alleys established by the City Council, correcting the same when any grade shall be changed, and adding thereto when any new grade or boundary shall be established; and he shall record in a suitable book the profiles and notes of all surveys of grades and boundaries established, and shall preserve the original papers relating thereto; and shall otherwise keep a systematic record of all the transactions pertaining to his department.

498. § 5. He shall without charge, mark the grade of any street or alley, where the same is established, at the request of any person wishing to erect any structure or make any enclosure

or lay any sidewalk. He shall preserve in his office all records and plats of surveys, and all books, papers and writings pertaining to his office.

499. § 6. He shall acquaint himself with the original surveys of the town and city, and shall, as far as practicable, provide himself with copies of the field notes of the original surveys; and shall make his surveys in accordance therewith; and he shall note all errors or discrepancies in the original surveys, or re-surveys as soon as discovered.

500. § 7. He shall, upon finding or establishing the boundary of any lot or tract surveyed, plant a substantial stake or stone at each corner thereof, and give to the owner or person employing him, if required, a certificate, stating the date, and, as far as practicable, the metes and bounds of the survey; and he shall record all such surveys in a suitable book, stating the date of the survey, for whom made, and describing, as far as practicable, the metes and bounds thereof.

CHAPTER IX.

CITY SUPERINTENDENT OF STREETS.

Section.

1. Superintend street improvements.
2. Procure materials, etc.
3. Keep account of property in his charge.
4. Keep account of expenditures.

Section.

5. Report to Council.
6. Keep sidewalks in repair.
7. Enforce ordinances relating to streets, etc.

501. § 1. The City Superintendent of Streets, except where by the Council it is otherwise specially ordered, shall superintend all improvements ordered by the City Council upon the streets and alleys, and make all necessary repairs thereof, but no improvement or repair, except such as may be actually necessary, shall be made without the order of the City Council; and he shall, without delay, cause all breaks in any planked street or alley, bridge, culvert, apron, or street crossing, or other insecure or unsafe place, to be repaired, and report the cost thereof to the City Council for allowance; and when the probable cost of any repair shall exceed twenty-five dollars, the same shall be made only with the concurrence of the committee on streets.

502. § 2. He may procure the necessary implements for performing street work, or materials for bridges, culverts or crosswalks, but he shall purchase no implements or materials without

making his written requisition to the street committee, and getting their order therefor. When he shall purchase any implements on account of the city, he shall immediately report the bill thereof to the City Clerk, who shall charge him with the same at cost. He shall cause all implements belonging to the city to be legibly marked or branded with the letters "C. G."

503. § 3. He shall keep a correct list and account of all implements, materials and other property of the city in his charge, and shall be accountable therefor; and shall deliver the same to his successor in office, taking his receipt therefor, which he shall file with the City Clerk, who shall credit him with the same and charge his successor therewith.

504. § 4. He shall keep, in an appropriate book, and in such manner as he may be required by the committee on finance, a plain and accurate account of all expenditures made under his supervision, specifying to whom made and for what purpose, which shall at all times be open for inspection, and at the expiration of his term of office, be deposited with the City Clerk. He shall examine all accounts of contractors and others for work pertaining to his department, or for implements or materials furnished therefor, and, if correct, shall certify the same to the City Council.

505. § 5. He shall, at the regular meeting in each month, report to the City Council a statement of all the expenditures under his supervision for the preceding month, specifying the purpose of such expenditures, and, if required, the person to whom made. No account presented or certified shall be allowed, or warrant issued thereon, unless it shall be so rendered as to show to what account it is chargeable.

506. § 6. He shall see that all side-walks are kept in safe condition, and report each month to the Council all walks that are unsafe but not worth repairing.

507. § 7. He shall cause all ordinances in relation to the streets and alleys and sidewalks to be enforced, and shall prosecute all violations thereof. He shall obey all such orders, general and special, as he may receive from the Mayor, City Council or the committee on streets and alleys.

CHAPTER X.

CITY INSPECTOR.

Section.

1. Shall have charge of wood and coal yard.
2. Attend to measuring wood and weighing coal.

Section.

3. Keep account of his business.
4. Give certificates.
5. Test his scales monthly.
6. Certain persons disqualified.

508. § 1. The City Inspector shall have the charge of the public wood and coal yard, which is hereby declared to be lots numbered ten (10), fourteen (14) and fifteen (15), in block twenty-four (24), and shall be known as the "City Wood and Coal Yard," and upon the northwest corner of which shall be located the city scales and scales building.

509. § 2. The City Inspector shall keep the city scales always in good order and accurate in weight, and shall attend the same for the accommodation of the public at all reasonable hours of the day, so that no unreasonable delay shall be caused to any one desiring to weigh; and shall give like prompt attention to the measurement of wood, for which the said Inspector shall be entitled to a fee of ten cents per load, to be paid on delivery of his certificate to the party for whom such weighing or measuring is done (except for measuring wood and coal for use of schools and churches of the city and other public uses, for which the inspector shall receive no fee); and for any default by said Inspector in this respect, he shall be liable to a penalty of five dollars, one-half to inure to the benefit of the party injured.

510. § 3. The City Inspector shall keep an accurate account in a book provided by the city, of all his business as City Inspector, of all fees received, and from whom, and make monthly to the Council, at each regular meeting thereof, a detailed report of the business of the preceding month. He shall at the time of making his annual report, pay over to the city such part, if any, of the receipts of his office as may be in excess of the salary fixed by ordinance and present the Treasurer's receipt for the same to the City Council.

511. § 4. The City Inspector shall, upon payment of the proper fee, give to the person entitled thereto, a certificate of the weight or measurement of his hay, wood or coal, which certificate shall be written with ink, or partly written with ink or partly printed, and shall not be considered complete unless the Inspector shall have certified the net weight or measurement of the article weighed or measured, and the number of bushels.

512. § 5. The Inspector shall test the accuracy of his scales monthly, and oftener if he has cause to think them inaccurate.

He shall keep them in good order and cause them to be repaired when needed; but no expense exceeding five dollars shall be incurred without the consent of the Mayor.

513. § 6. No person shall be appointed or be competent to fill the office of City Inspector who shall, directly or indirectly, follow the business of buying, selling or delivering hay, wood or coal.

CHAPTER XI.

CITY PHYSICIAN.

Section.

1. Duties defined.

Section.

2. Furnish medicines, etc., at his own expense.

514. § 1. The City Physician shall be a legally licensed physician and surgeon under the laws of this State, and it shall be his duty to attend all cases of sickness or injuries where the party needing medical or surgical aid is unable to employ a physician or surgeon, upon the order of the Mayor, any Alderman, the Commissioner of Health, City Marshal, or Poormaster; or in case of danger from delay in obtaining such order, said physician may attend the patient, but shall immediately report the case to the Poormaster, and shall thereafter be subject to his direction as to future professional attendance.

515. § 2. The City Physician shall, at his own expense, furnish all medicine and surgical appliances needed for any patient attended by him, and shall report the expense thereof, and the City Council may, at its discretion, allow to said physician the whole or any portion of said expense.

CHAPTER XII.

SUPERINTENDENT OF STREET LIGHTING.

Section.

1. Duties defined.

Section.

2. Employ assistants.

516. § 1. The Superintendent of Street Lighting shall, under the direction of the Mayor and Committee on Street Lighting, superintend, care for, properly clean, repair and attend to the lighting of all street lamps, except gas lamps, keep them at all

times in the best possible condition, and perform such other duties in relation to the same as the Mayor or Committee on Street Lighting shall, from time to time, require of him.

517. § 2. The Superintendent of Street Lighting shall, with the approval of the Mayor and Committee on Street Lighting, employ, from time to time, such assistants not exceeding three in number, as may be necessary to assist in lighting said lamps, said assistants to receive not exceeding ten dollars per month.

CHAPTER XIII.

SEALER OF WEIGHTS AND MEASURES.

Section.

1. Appointment of.
2. Shall give bond. *
3. Shall keep office—issue certificates,
etc.

Section.

4. Shall test weights, etc., on request.
5. May condemn weights, etc.
6. Fees for sealing, etc.
7. Penalty for obstructing, etc.

518. § 1. There shall be appointed annually by the Mayor, with the advice and consent of the City Council, a Sealer of Weights and Measures.

519. § 2. Such person so appointed shall give bond to the city in the penal sum of \$500, with good and sufficient security, to be approved by the City Council, conditioned for the faithful performance of the duties of his office.

520. § 3. It shall be the duty of the Sealer of Weights and Measures to keep an office within the city, and to designate by card, or in some public manner, the days in each week, and the hours of the day, when he may be found in his office. He shall once in each year, between the first day of May and the first day of October, inspect in the place where they are situate, and test the accuracy of all weights, measures, balances, scales, beams and all other instruments or things, used for measuring or weighing any article for sale within the city, and stamp with a suitable stamp or seal, all such scales, weights, measures, instruments or things which he may find to be correct, and deliver to the owner thereof certificates of their accuracy. The stamps or seals used by him shall indicate the date of the inspection made by him, and that the measure, scale or instrument on which it is placed is correct. Said Sealer shall on request inspect all city scales without charge.

521. § 4. It shall be the duty of said Sealer, whenever complaint is made to him by any person interested, or whenever he

may have reason to believe, that any weight, measure scale, balance or other instrument, used in measuring or weighing in said city is incorrect, or whenever thereto requested by the owner of, or person using, any such, to inspect and test the same, without regard to the date of any previous inspection.

522. § 5. If, upon examination, said Sealer shall find any weight, measure, balance, beam or other instrument or thing to be incorrect or untrue, he shall condemn the same and forthwith notify the owner or user thereof; and the use of any weight, measures, balance, scale or other instrument or thing so condemned, is hereby prohibited until the same shall have been corrected and sealed by the Sealer, under a penalty of not less than five dollars nor more than ten dollars for each offense.

523. § 6. The said Sealer of Weights and Measures may charge and be entitled to receive for his services, in addition to his salary the following fees: For sealing and marking every beam, ten cents; for sealing and marking measures of extension at the rate of ten cents per yard, and not to exceed fifty cents for any one measure; for sealing and marking every weight, five cents; for sealing and marking liquid or dry measures, if the same be of the capacity of one gallon or more, ten cents, or less than a gallon, five cents. He shall also be entitled to charge and receive a reasonable compensation for making such weights and measures conform to the legal standard; which fees shall be paid by the owner or user of such weight, measure, scale or instrument, in all cases where such weight, measure, scale or instrument shall be found inaccurate; and in all cases where the examination shall be made by request and no inaccuracy be found, the fee shall be paid by the parties making the request: *Provided, however*, that for making the annual inspection herein provided for, he shall receive no fees.

524. § 7. Said Sealer shall during business hours have access to all rooms or places where any scales, weights, or measures used for weighing or measuring are kept; and any person refusing upon demand to exhibit to said Sealer any and all weights, measures, scales, beams, balances or other instruments or things used or owned by him, or who shall in any manner hinder or delay said Sealer in the performance of any of his duties herein prescribed, shall be liable to a penalty of not less than ten dollars nor more than one hundred dollars.

CHAPTER XIV.

INSPECTOR OF MINERAL OILS.

Section.

1. Appointment of.
2. Shall give bond.

Section.

3. Compensation of.

525. § 1. There shall be appointed by the Mayor, with the advice and consent of the City Council, an Inspector of Mineral Oils, who shall hold his office for the term of one year.

526. § 2. Such Inspector shall give bond to the city, with good and sufficient security to be approved by the Council, in the penal sum of \$500, conditioned for the faithful performance of his duties as such officer.

527. § 3. He shall receive for compensation ten cents for inspecting and branding each barrel, cask or package, to be paid by the party requiring such inspection.

CHAPTER XV.

POUND MASTER.

Section.

1. Creating office of.
2. Shall give bond, etc.

Section.

3. Duties—compensation of.

528. § 1. That the office of Pound Master in and for the city is hereby created, which office shall be filled by appointment of the Mayor with the advice and consent of the City Council.

529. § 2. Such Pound Master shall hold his office for the term of one year, and before entering upon the duties thereof he shall give bond to the city in the penal sum of \$100, with sufficient security, to be approved by the Council, conditioned for the faithful performance of his duties as such.

530. § 3. The duties and compensation of such Pound Master shall be as described in the chapter entitled "Animals," of this ordinance.

CHAPTER XVI.

POORMASTER.

Section.

1. Shall have charge of paupers.
2. Shall exercise powers, etc., of Town Overseer, etc.

Section.

3. Shall notify City Physician; employ additional counsel, etc.

531. § 1. The Poormaster shall have sole care and oversight of all paupers in the city and town embraced within the limits of the city of Galesburg.

532. § 2. The Poormaster shall exercise the powers and duties of a Town Overseer of the Poor as prescribed by the statute concerning paupers, and in addition thereto shall assist, at the expense of the city, under such restrictions as the Council may make, from time to time, by resolution, only such persons as he deems it unadvisable to send to the county poor-house, and who, in his judgment, are not properly a county charge.

533. § 3. It shall be the duty of the Poormaster, in all cases where medical or surgical aid shall be required by persons entitled to receive such aid at the expense of the city or county, to notify the City Physician. In cases where the City Physician cannot be had, or when, in the judgment of the Poormaster, additional counsel or other assistance is necessary, he shall have power to call on any other physician to render the requisite aid, and such physician so called, shall be entitled to reasonable compensation to be paid by the city in cases properly chargeable to the city; and the city shall not be held liable for any medical aid rendered any person, unless the aid is rendered by the direction of the Poormaster; except in cases where the aid was necessarily rendered before notice could be given to the Poormaster.

CHAPTER XVII.

POLICE DEPARTMENT.

Section.

1. How constituted.
2. Appointment and removal of policemen.
3. Appointment of special policemen.
4. Mayor to have supervision of police.
5. Duties of City Marshal.
6. Marshal custodian of property for use of department, etc.
7. Appointment without pay of special police for corporations, etc.
8. Powers of the police.
9. Person arrested in night-time or Sunday may give bail to officer—form of bond.

Section.

10. City Marshal, with consent of Mayor, shall establish rules, etc.
11. Penalty for officers violating this chapter.
12. Officers may call on inhabitants to assist, etc.
13. Party arrested may give recognizance.
14. City prison.
15. Marshal to have charge of prison.
16. Marshal to keep record of prisoners.
17. Prison fee.
18. Conservators of the peace.
19. Judgment of commitment.

534. § 1. There shall be, and hereby is established, a Police Department, to consist of the Mayor, City Marshal, and such policemen as are now or may hereafter be appointed.

535. § 2. The Mayor, by and with the approval of the Council, shall appoint a City Marshal and not to exceed six policemen, who may be removed by him at any time for cause, or by the City Council at any time without cause; and such Marshal and policemen shall constitute the regular police of the city. In case any such removal be made by the Mayor, he shall report the same, with his reasons therefor, to the Council at its next meeting; and unless the Council approve the action of the Mayor, such policeman shall thereupon be reinstated, but shall receive no pay for the time during which he has been so removed.

536. § 3. The Mayor may also appoint, in case of an emergency, such number of special policemen as in his judgment the public good may require, and such special policemen shall, when on duty, possess the same authority and powers as regular policemen; but such special policemen shall not remain on duty for a longer period than the day of the next meeting of the City Council, unless the term be extended by the Council at such meeting.

537. § 4. The Mayor shall have the general supervision and control of the police, and shall, from time to time, make such regulations touching their duties under the ordinances as to him shall seem best for the maintenance of order, and for the due observance of the ordinances of the city. He shall require of the police a strict performance of their duties, and in case of neglect or refusal of any policeman to perform his duty, or in case of drunken or riotous or other improper conduct on the part of any

policeman, it shall be his duty to forthwith remove such policeman and appoint a substitute, if necessary, which substitute shall be invested with all the powers and authority of a regular policeman, and receive therefor the same compensation until the next meeting of the City Council.

538. § 5. The City Marshal shall be the chief of the city police, subordinate only to the Mayor, or Council when in session. It shall be his duty to collect all dues owing to the city, not within the province of the Treasurer or Superintendent of Streets to collect; he shall see that the sidewalks, streets, alleys and other avenues of the city are kept free from rubbish, boxes and other impediments, and that all ordinances are strictly observed, and that all policemen properly perform their duties. It shall also be his duty, at the first meeting of the Council each month, to report the number of days and nights each policeman has been on service the previous month, and shall report all arrests made during the month, the names of the parties arrested, upon what charge, whether tried, and if so, before whom; whether fined, and if so, how much; whether paid in whole or part, how much, and in what manner; if the party was committed to prison, when, and by whom discharged; which report shall be verified by his oath.

539. § 6. The City Marshal shall be the custodian of all property provided by the city for the use of the police department, and shall issue and receive the same as the City Council may direct. He shall also be the custodian of all stolen goods or other property received and retained under police authority. He shall provide, at the expense of the city, stars for the regular police, numbered and inscribed, "Police, City of Galesburg;" likewise, stars for all special policemen, similar to those worn by the regular members of the force, each of which shall be numbered and engraved thereon the words, "Special Police, Galesburg," and each special policeman and policeman on the regular force, when assuming his office and property of the city connected with said office, shall be charged therewith on the books of the department, and when he is called upon to surrender the same office, he shall return each and every article he has been so charged with, and in the event, all or any of such articles are not returned to the City Marshal, the value of such articles not returned shall be deducted from any money which may be due him from the city.

540. § 7. The Mayor and City Council may, on application being made to them, appoint any suitable person in the employ of any corporation, association, individual or firm, a special policeman, in and for the city. Such special policemen shall have

all the qualifications required in the case of regular policemen. They shall take and subscribe the same oath and exercise the same powers, and be subject to the rules and regulations of the police department, so far as the same may be applicable to them: *Provided, however*, that such special policemen shall not be paid anything by the city for their services as policemen, unless called upon by the Mayor to assist the regular force, when, in such case, they may be paid not to exceed the amount per day paid for like services performed by other special policemen. Any special policeman so appointed shall not perform any official duty without his star as provided in this section.

541. § 8. All members of the police department and all constables of the city shall have power and authority, without warrant, to enter, demand for admission having first been made, any building whatever, except a dwelling house, where such officer shall see a violation of any ordinance being carried on, and not otherwise. And any dwelling house, in case they have just cause to suspect that any felony has been, is being, or is about to be committed, and to enter any building with warrant for felony or violation of any city ordinance, demand for admission having first been made; and the officers making the arrest shall forthwith take the arrested person or persons before a Magistrate to be dealt with according to law and the ordinances of the city: *Provided*, if such arrest be made in the night time or on Sunday, the officer or officers making the arrest may commit such person or persons so arrested for examination to the city prison or calaboose, and there detain him or them over night or Sunday, until an examination can be had before some proper magistrate; which examination shall be had at the earliest practicable opportunity, unless bail be given as provided in this chapter, and any of said arrests may be made on Sunday as well as upon any other day.

542. § 9. Any person arrested without warrant in the night-time, or on Sunday for any offense against the city ordinances, shall have the right to release himself from custody by giving bail to the officer, with one or more good and sufficient sureties, to be approved by the officer taking the bond, in a sum not less than twenty-five nor more than four hundred dollars, for his appearance before the proper magistrate at any time to be named in said recognizance, which shall be as early as practicable, to answer for the offense for which he was arrested, which recognizance shall be in substance as follows:

We, A. B. and C. D. hereby acknowledge ourselves jointly and severally bound unto the City of Galesburg in the penal sum of dollars, for the payment of which sum well and

truly to be made, we bind ourselves, our heirs, executors and administrators: *Provided, however*, that if the said A. B. shall appear before.....magistrate at...o'clock .m., on theday of.....A. D., 188..., and pay whatever judgment may, by said magistrate, be rendered against him for (naming the offense) for which he is now in custody, or render his body in obedience to said judgment, then this obligation to be void; otherwise to remain in full force and effect.

.....[SEAL.]
[SEAL.]

Said recognizance shall be returned by the officer taking it and at the time named therein, or as soon thereafter as may reasonably be done, the magistrate may try the cause, whether the person arrested be present or not. If he be not present, and the fine not paid immediately, or the defendant delivered into custody, the recognizance shall be forfeited: *Provided*, that if the trial be not at the time named in the recognizance, the defendants shall have notice thereof.

543. § 10. The City Marshal, with the consent of the Mayor, shall establish rules and regulations for the government of the police, a copy of which rules shall be kept at the police station; and it shall be the duty of the police to make themselves familiar with such rules at once, after entering upon their official duties, and they shall, in all respects, be bound to abide by and follow them.

544. § 11. Any person now holding or appointed to any office under the provisions of this chapter, who shall willfully violate any ordinance or rules for the government of the police, or be negligent or careless in the performance of his duties, shall, on conviction, be fined not less than five nor more than fifty dollars.

545. § 12. The Mayor, Marshal and every police officer shall have power to call upon any inhabitant of the city to assist in quelling any riotous or disorderly conduct, or to aid in the arrest and safe keeping of any person accused of crime, or breach of law or ordinance; and any one so called who shall neglect or refuse to give such aid or assistance, shall be subject to a fine of not more than fifty dollars.

546. § 13. In all cases of arrest under any ordinance of this city, the magistrate may permit the party arrested to go on recognizance, with sufficient security entered and signed on his docket, to such time as may be set for trial or an adjustment; and if the principal in said recognizance shall fail to appear before said magistrate at the time named in said recognizance for his appearance, said recognizance shall be, by said magistrate, declared forfeited.

547. § 14. The building erected by the city on lots numbered one and two, in block number eighteen, on the west side of Cherry street in the city of Galesburg, shall be and the same is hereby designated as the city calaboose or prison, in which shall be confined all such offenders as shall fail or refuse to pay any fines or forfeitures rendered against them or shall fail or refuse to give bail when arrested, to answer for any violation of any ordinance of the city, or shall be subject to imprisonment under any ordinance of the city.

548. § 15. The Marshal of said city shall have charge and be the keeper of said prison, and with the consent of the Council, and not otherwise, he may appoint a deputy or substitute for the keeping thereof. He shall be responsible for the acts or omissions of his said deputy, as though the acts or omissions were by himself. Said deputy or substitute shall also be responsible for his own acts or omissions, as though he were principal: *Provided*, that nothing in this section or any other ordinance contained, shall prevent the Council from removing any such deputy or substitute at pleasure, and appointing another in his stead.

549. § 16. It shall be the duty of such keeper to receive into said prison all persons committed to the same by any Police Magistrate, Justice of the Peace, or any person, by the statutes of this State, or hereafter made a conservator of the peace, who shall be charged with or convicted of the violation of any ordinance of the city, or any breach of the peace. He shall keep a register in which he shall enter the names of all persons committed, the time when and for what time and for what offense committed, when and by what authority discharged, and such other facts as he may deem necessary; which book shall be carefully kept and at all times open to the inspection of the City Council, or any member thereof.

550. § 17. In all cases of commitment the prison-keeper shall be entitled to a fee of 25 cents for receiving and discharging the prisoner, to be taxed with the costs against the defendant, and collected as other fees are collected.

551. § 18. The Mayor, Aldermen, Marshal and regular and special policemen shall be conservators of the peace; as such they shall have power to arrest, or cause to be arrested with or without process, all persons who shall break the peace or be found violating any ordinance of the city, or any criminal law of the State. The Marshal or any regular or special policemen shall have power, and it shall be their duty, to serve any warrant issued for any violation of the ordinances of this city.

552. § 19. It shall be the duty of the court or magistrate before whom any person shall be convicted of a violation of any

city ordinance, or any part thereof, to order as a part of the judgment of said conviction, that said person so convicted be committed to the calaboose or city prison until the fine, penalty and costs imposed upon said person be fully paid; and every person so committed shall be required to work at such labor as his strength will permit, within and without said calaboose or city prison, not to exceed ten hours each working day, and for such work the person so employed or worked shall be allowed on said fine, penalty and costs, exclusive of his board, the sum of fifty cents for each day's work.

CHAPTER XVIII.

FIRE DEPARTMENT.

Section.

1. Establishing fire department and naming officers thereof.
2. Power of control in case of fire.
3. Prohibiting interference, etc.
4. Misconduct of members of department—penalty for.
5. Chief may appoint assistants.

Section.

6. Care of property of department, etc.
7. Duties of members of department.
8. May command assistance, etc.
9. Power to inspect houses, etc.
10. Manner of abating—penalty, etc.
11. Officers shall wear badges.

553. § 1. There shall be a fire department which shall consist of a chief engineer and such assistants and firemen as shall from time to time be determined upon by the City Council by resolution. The chief engineer and assistants shall be appointed by the Mayor and approved by the City Council, and shall hold their offices for the time specified in the order of their appointment, but may be removed by the Mayor at any time for cause; and the firemen shall be employed from time to time by the chief engineer with the approval of the Mayor. The compensation of the chief engineer shall be at the rate of two hundred and fifty dollars per annum, and the compensation of the assistants and firemen shall be fixed by resolution of the Council from time to time. The Mayor shall, from time to time, designate the person upon whom the temporary performance of the duties of chief engineer shall fall in case of the absence or disability of the chief engineer, and the chief engineer shall designate the proper persons for the performance of specific duties.

554. § 2. The chief engineer, or, in his absence, the assistant first arriving, shall in all cases of fire, have sole and absolute control over all the members of the fire department, the apparatus

and machinery thereof, and in the absence of said engineers the same powers and authority shall be devolved upon the Mayor of said city or any Alderman thereof.

555. § 3. Any person who shall hinder or interfere with any city officer or member of the fire department in the performance of his duty, at, going to, or returning from any fire, or while engaged about any duty; or any person who shall knowingly drive any wagon, dray or other vehicle on the hose, or shall in any manner cut, deface, destroy, or injure any engine, hose or other apparatus, machinery or thing belonging to said city, or any portion of said fire company or department, shall be subject to a penalty of not less than three nor more than one hundred dollars for each offense, and be liable for all damages done said property thereby.

556. § 4. Any member of said fire department who shall fail or refuse to discharge his duty under this or any or any other ordinance of the city, or who shall, while on duty, act in a disorderly or unbecoming manner, or who shall fail or refuse to obey the orders of any superior officer of said department shall be subject to a penalty not exceeding ten dollars.

557. § 5. The chief engineer, or in his absence his assistants, in cases of emergency, may appoint any number of assistants for the time being, who shall have all the power and authority of said chief or assistant engineers; and all persons who shall repair to a fire shall be obedient to the orders of said chief or other engineers, the Mayor or Alderman, Marshal or policemen in the discharge of their respective duties; and in case any person shall fail or refuse to perform such orders, shall be subject to a penalty not less than three dollars at the suit of the city.

558. § 6. The chief engineer, or such assistant as shall be named by the Council, shall take charge of all engines, ladders, fire-hooks, and other fire apparatus belonging to said city, and see that the same are kept in proper order and condition, and in their places of deposit, which shall be the engine houses of the city, when not in actual use or undergoing repairs; and upon failure to keep the same in proper order, condition and place, he shall be subject to a penalty not exceeding fifty dollars, and pay to the city all damages occasioned thereby. If any person shall take from said places of deposit any such apparatus, except under the direction of the chief engineer, or on the alarm of fire, he shall be subject to a penalty of five dollars for each and every offense, and five dollars for every twenty-four hours he shall neglect to return the same to its proper place of deposit, after being notified by the chief engineer or his assistants so to do.

559. § 7. The chief engineer and his assistants shall, upon

notice of the breaking out of any fire in said city, repair immediately to the place thereof, vigorously exert their authority and use their best endeavor to extinguish the same, and prevent the spreading thereof, and preserve and protect the property endangered by the same.

560. § 8. During the continuance of any fire the chief engineer and his assistants are hereby empowered to command and require the services and assistance of any person for extinguishing the same, for removing household furniture, goods, wares and merchandise endangered by the fire, except when forbidden by the owner or person in charge of the goods, to control and direct operations of persons concerned in extinguishing the fire or removing property, as aforesaid, and to appoint proper guards to take care of all property so removed; and also, with the advice of the Mayor and two Aldermen, to command and require the services and assistance of any person for the pulling down or blowing up of any house or other building, and to perform any other service for the purpose of extinguishing the fire and prevent the spreading thereof, and also to suppress any tumult or disorder that may arise during the continuance thereof.

561. § 9. The Mayor, chief engineer or any Alderman of said city shall have power to inspect all stoves, fire places, and other places in which fire may be kept in said city, and all stove pipes, chimneys, funnels, or other apparatus therewith connected, for the purpose of ascertaining whether the same are so fixed as not to endanger the building in which the same may be, or to which the same may be attached, or to endanger any other building in the city; notify the occupants to make all necessary repairs, and see that the same are done within a reasonable time; and any such inspection shall be made on the request of any citizen at any time for the purpose of ascertaining the safety thereof.

562. § 10. Whenever, in the opinion of the Mayor, chief engineer, or of any Alderman, any stove, fire place, or other appurtenance for the conducting of smoke or heat from any such place, is in such a state as to render the keeping of fire therein unsafe, he is required to order the occupant of the building in which the same may be, or with which the same may be connected, to discontinue the fire therein, and make all necessary and proper repairs to render the keeping therein of fire safe in the opinion of said Mayor, chief engineer or Alderman inspecting the same, and if any person shall make a fire therein and neglect to make such necessary repairs, after being ordered so to do as aforesaid, the occupant of any such building shall be subject to a penalty of ten dollars for every twenty-four hours the same may remain without such repairs being made, and used as aforesaid: *Pro-*

vided, however, that any person feeling himself aggrieved by the order or decision of the Mayor, chief engineer or Alderman, as the case may be, may appeal therefrom to the City Council at the first meeting thereof after notice aforesaid; but in all cases the order of said Mayor, chief engineer or Alderman to discontinue the making of fire therein, shall be complied with until the final decision of the City Council on such appeal.

563. § 11. It shall be the duty of the chief engineer and his assistants to wear badges of their office at all fires, which badges shall show the name of the office held by the bearer.

CHAPTER XIX.

BOARD OF HEALTH.

Section.

1. Creating Board of Health.
2. Appointment of, etc.
3. Mayor *ex-officio*, President of.
4. Council may prescribe duties of.
5. Commissioner of Health to have general supervision of sanitary condition of city.
6. May enter buildings, etc.
7. May abate nuisance—method of.
8. Shall guard against contagious diseases.
9. Shall visit cases of infectious diseases—may remove to pest house, etc.
10. May compel vaccination—penalty.

Section.

11. May order house cleansed or closed, etc.
12. May post placard in case of contagious diseases—penalty for defacing or destroying, etc.
13. Practicing physicians shall report contagious disease.
14. Board of Health shall furnish pest house.
15. Mayor may suspend action of Commissioner.
16. Appeal to Board of Health.
17. Limiting expenditures of Board.
18. Commissioner to make report, etc.

564. § 1. The Board of Health shall consist of the Mayor, Marshal, Overseer of the Poor, Superintendent of Streets, and some competent and reliable physician to be annually appointed by the City Council, who shall be known as the Commissioner of Health.

565. § 2. Said Commissioner of Health shall be appointed by the Mayor with the advice and consent of the City Council, and shall hold his office for one year from the first of April of each year, and until his successor shall be duly appointed and qualified.

566. § 3. The Mayor shall be *ex-officio* the President of said Board of Health.

567. § 4. The City Council may, from time to time, prescribe the duties of said Board of Health.

568. § 5. Said Commissioner of Health shall have and exercise a general supervision over the sanitary condition of the city, shall give to the Mayor and other city authorities all such professional

advice and information as they may require concerning the health of the city, and the preservation thereof, enforce all the laws of this State and ordinances of the city relating to health, and promptly abate all nuisances which may in any manner endanger the health of the city.

569. § 6. Whenever said Commissioner of Health shall deem it necessary for the proper discharge of the duties of his office so to do, he shall have the right at any time between the rising and setting of the sun, to enter into any dwelling house, store, stable or other building, and cause the floor or floors to be raised in order to a thorough examination of cellars, vaults, sinks or drains, or for the purpose of other sanitary inspection of said building or buildings, such examination to be made without unnecessary injury to said premises, and any owner, lessee or occupier of any such building, who shall refuse admission to such building when demanded by said Commissioner of Health, for the purpose aforesaid, shall be subject to a penalty of not less than twenty-five dollars; but upon objection made to such action of the Commissioner, said Commissioner shall suspend action until the objector can be heard by the Board of Health, and said Board of Health shall have approved of such action of the Commissioner.

570. § 7. Whenever the existence of any nuisance detrimental or likely to become detrimental to the health of the city, shall come to the knowledge of the Commissioner of Health, it shall be the duty of said Commissioner, in case the Board of Health shall so order, to forthwith cause a written notice, signed by said Commissioner, to be served upon the owner, occupant or agent of said owner or occupant of the lot, building or premises in or upon which any such nuisance shall exist, or the person who may be the owner or cause of any such nuisance, requiring him to abate the same within such reasonable time as shall be named in said notice, and if such owner, occupant or agent shall neglect to comply with the requirements of such notice within such reasonable time as is therein named, he shall be subject to a penalty of not less than two dollars for each day's neglect so to comply, and it shall be the duty of said Commissioner of Health to proceed at once, after the expiration of the time named in said notice, to cause such nuisance to be abated: *Provided, however*, that whenever the owner, occupant or agent of the owner or occupant of any lot, building or premises where such nuisance exists, or the owner or cause of such nuisance is unknown or cannot be found, said Commissioner shall cause the same to be abated without notice, and in either case the expense of abating the same shall be collected by proper action in the name of the city from any owner, occupant, agent or owner or cause of such nuisance, immediately if known, or as soon as he may be discovered.

571. § 8. It shall be the duty of the Commissioner of Health to make at all times a diligent inquiry as to the existence of any malignant, pestilential or contagious disease, existing within the limits of the city, or so near the city as to be likely to affect the health thereof, and upon obtaining knowledge of the existence of such disease he shall forthwith take measures to protect the city from such disease, and in case of pestilence or epidemic disease, or of danger from anticipated or impending pestilence or epidemic disease, or in case the sanitary condition of the city should be of such a character as to warrant it, it shall be the duty of said Board of Health to take such measures, and to do and order and cause to be done such acts for the preservation of the public health, though not in this chapter or elsewhere, or otherwise authorized, as they may in good faith deem the public safety and health to demand.

572. § 9. It shall be the duty of said Commissioner of Health to visit and examine if necessary, all persons sick, or supposed to be sick with yellow fever, small-pox, cholera, scarlet-fever, diphtheria or any infectious or pestilential disease, and with the consent of a majority of the Board of Health, exclusive of said Commissioner, to cause any such infected person who shall on account of poverty or from any any other reason have no place in the city where he may be properly cared for and treated, to be removed to the pest-house hereinafter provided, or to such other safe and proper place as he may think proper, not exceeding three miles from the city, and cause such patient to be provided with a suitable nurse or nurses and medical attendance at the expense of such patient if able to pay the same; but if not, then at the expense of the city, and in case of the death of such patient, said Commissioner shall see that he is decently and promptly buried at the expense of the city, if the deceased person did not leave sufficient means to defray the same.

573. § 10. The Board of Health may take such measures as it may from time to time deem necessary, to prevent the spread of the small-pox, by issuing an order in one or more city newspapers, requiring all persons in the city or any part thereof needing vaccination to be vaccinated within such time as it may prescribe, and any person neglecting or refusing to obey such order, shall be subject to a penalty of not less than five dollars: *Provided*, that said Board shall provide for the free vaccination of such persons as are unable to pay for the same.

574. § 11. Said Commissioner of Health may order any house or other building or any premises to be cleansed, disinfected or closed to visitors, and prevent any person resorting thereto while any person is there laboring under any pestilential or infectious

disease, and the owner or occupant of said house, building or premises shall, upon receiving a written order of said Commissioner, proceed within a reasonable time named in said notice, to cleanse and disinfect the same to the satisfaction of said Commissioner, and to close and keep closed, said house, building or premises to visitors; and any person violating the provisions of this section shall be subject to a penalty of not less than five dollars.

575. § 12. The Commissioner of Health shall cause a notice printed in large letters to be placed upon any house in which any person may be sick with any infectious, pestilential or contagious disease, upon which shall be written the name of such disease; and whoever shall deface, alter, mutilate, destroy or tear down such notice, without permission of the Commissioner of Health, shall be subject to a penalty of not less than ten dollars; and the occupant of any house upon which said notice shall be placed as aforesaid who shall know of the same being defaced, altered, mutilated, destroyed or torn down, and shall not within twenty-four hours after first knowing of the same, report the fact to the Commissioner of Health, shall be subject to a penalty of not less than five dollars.

576. § 13. Every practicing physician who shall have a patient sick with any pestilential, contagious or epidemic disease, or any person having care of such patient, in case there be no physician in attendance, who shall neglect forthwith to report such case to the Commissioner of Health, shall be subject to a penalty of not less than ten dollars.

577. § 14. Said Board of Health shall, whenever it shall deem it necessary, with the approval of the City Council, provide and suitably furnish, in conformity with the provisions of section 9 of this chapter, at the expense of the city, a suitable pest-house for removal thereto of any person affected with any pestilential, contagious or epidemic disease.

578. § 15. The Mayor may at any time, upon written notice to said Commissioner of Health, suspend any action, order or proceedings of said Commissioner, whereupon said Commissioner shall discontinue such action, order or proceedings. The Mayor, shall, upon such suspension at the request of said Commissioner, immediately convene said Board of Health, when, if said Board, by a majority vote of all the members of said Board, exclusive of the Mayor and Commissioner of Health, approve of the action of the Mayor, such suspension of the action of said Commissioner shall continue; but if such majority shall not so approve of the Mayor's action, said Commissioner may proceed at once as if no suspension had taken place.

579. § 16. Any person aggrieved by any order of the Commissioner of Health, may make application to the Mayor to suspend such action, and the Mayor shall have power to suspend such order of the Commissioner in accordance with, and under the conditions mentioned in section 15 of this chapter; but if the Mayor shall refuse to suspend such action of said Commissioner, then such person so aggrieved may appeal to the Board of Health by giving notice of such appeal in writing to the City Clerk, who shall thereupon notify each member of said Board then in the city, and such Board shall upon such notice immediately meet and act upon such appeal, giving the appellant the right to be heard, and if said appeal shall, by a majority of said Board be sustained, then said order of said Commissioner shall be no longer in force; but the same shall be null and of no effect.

580. § 17. No expenditures of money or incurring of expense to the city exceeding at any one time or for any one purpose the sum of twenty-five dollars shall be made by said Commissioner of Health without the consent of the Board of Health thereto first obtained.

581. § 18. Said Commissioner of Health shall, at the regular meeting of the City Council in the months of May, August, November and February in each year, make a report in writing to said City Council, containing a detailed statement of the acts and doings of the said Board of Health during the preceding quarter, which report shall also contain a statement of all the moneys paid out and expense incurred by said Commissioner and Board of Health during the last quarter.

CHAPTER XX.

PUBLIC LIBRARY.

Section.

1. Public Library established.
2. Directors to provide rooms.

Section.

3. Injury to books, etc.
4. Directors may make rules and fix penalties.

582. § 1. There is hereby established a free public library and reading room for the city of Galesburg in pursuance of the general laws of this State, which shall be known as the "Galesburg Public Library."

583. § 2. The Board of Library Directors shall provide and set apart a room or rooms for the reception of any books that

may be donated or procured for such library, until a permanent location shall be otherwise provided.

584. § 3. Any person who shall willfully or maliciously cut, write upon, injure, deface, tear or destroy any book, newspaper, magazine or other thing of value belonging to said library shall be subject to a penalty of not less than five dollars.

585. § 4. The Board of Directors of said public library shall have power to make all rules necessary for the proper government of said library, and may impose penalties for violation of any established rules, not to exceed in any one instance, five dollars.

CHAPTER XXI.

ADDITIONS TO THE CITY.

Section.

1. Manner of platting—consent of Council.

Section.

2. Copy to be left with City Council.

586. § 1. In any addition or sub-division of lots or blocks hereafter to be made to or in the city, the proprietor shall so plat and establish the same that the streets and blocks shall conform to the established streets and blocks which such addition or sub-division may adjoin; such streets to be continuous and straight and of the same width: *Provided*, any desired change may be made in these particulars by consent of the City Council, to whom all the said plats and sub-divisions shall be first submitted, at a regular meeting thereof, before recording the same, and any person violating this section shall be subject to a penalty of not less than ten nor more than one hundred dollars.

587. § 2. It shall be the duty of the City Engineer and Surveyor, or other surveyor, who may make any plat of any addition or sub-division to the city, to make out and leave with the city a full and perfect copy thereof, to be made upon a scale and paper corresponding with the like plats in the City Clerk's office, and any person violating this section shall be subject to a penalty of five dollars.

CHAPTER XXII.

ANIMALS.

Section.

1. Cruelty to dumb animals.
2. Fast driving.
3. Tying horses, etc., to fences, etc.
4. Leaving horse, etc., unsecured.
5. Horses, etc., on sidewalks, ornamented grounds, etc.
6. Permitting dangerous animal to go at large.
7. Causing animals to escape or be impounded.

Section.

8. Animals running at large.
9. To be impounded.
10. Pound Master to receive such animals.
11. Recording and posting notice.
12. Trial before magistrate.
13. Fine in such case.
14. Suffering dead animals to remain unburied.
15. Owner of such animals to be notified.
16. Cows not to wear bells.

588. § 1. Whoever shall be guilty of cruelty to any dumb animal by over-loading, over-driving, over-working, cruelly beating, torturing, tormenting, mutilating, or cruelly killing such animal, or causing or knowingly allowing the same to be done; or who shall cruelly work any old, maimed, infirm, sick or disabled dumb animal, or cause or knowingly allow the same to be done; or who shall unnecessarily fail to provide any dumb animal in his charge or custody, as owner or otherwise, proper food, drink and shelter; or who shall abandon any old, maimed or infirm, sick or disabled dumb animal in his possession, as owner or otherwise, shall be subject to a penalty of not less than five dollars.

589. § 2. Whoever shall rapidly or immoderately, ride or drive any horse or mule, or other domestic animal, or any team, in any street, may be stopped by any person, and shall be stopped by any police officer, and shall, moreover, be subject to a penalty of not less than three dollars.

590. § 3. Whoever shall, without the consent of the owner or occupant of the premises, fasten any horse or other animal to any fence, railing or tree, or to any boxing placed around any tree, shall be subject to a penalty of not less than three dollars.

591. § 4. Whoever shall leave any horse or mule, or any team in any uninclosed or public place without being properly fastened, guarded or secured, to prevent it from running away, shall be subject to a penalty of not less than three dollars.

592. § 5. Whoever shall lead, ride, or drive any team or beast of any kind whatever, or permit the same to go upon any sidewalk within the city, or upon any grass plat or ornamented ground between the sidewalk and the roadway, shall be subject to a penalty of not less than three dollars: *Provided*, that the

grass plat or ornamented ground herein mentioned shall have been improved in the manner provided by resolution of the City Council.

593. § 6. Whoever shall knowingly suffer or permit any dangerous, unruly or mischievous animal, owned or kept by him, to go at large in the city, to the danger or annoyance of any person, shall be subject to a penalty of not less than five dollars.

594. § 7. Whoever shall willfully drive or entice any animal from beyond the limits of the city, into it, or shall let any animal out of the enclosure in which it may be confined, for the purpose in either case, of aiding animals to escape, or to take up and impound the same, or to cause the same to be taken up and impounded, shall be subject to a penalty of not less than five dollars.

595. § 8. Whoever, being owner or keeper of any domestic animal of the species of horse, mule, ass, cattle, sheep, goat, swine, duck or goose, shall knowingly suffer the same to run at large, at any time, within the city, shall be subject to a penalty of not less than three dollars: *Provided*, it shall not be contrary to the provisions of this chapter to permit cows, giving milk, to run at large south of a line beginning at the city limits east on Main street, and running west to Pearl street, thence south on Pearl street to South street, thence west on South street to the Chicago, Burlington & Quincy Railroad track, thence southwest along the Chicago, Burlington and Quincy Railroad track to Knox street, and thence west on Knox street to the city limits; from 6 o'clock in the forenoon, to 8 o'clock in the afternoon, from May 1st to October 31st inclusive, in each year: *And provided, further*, that it shall be contrary to this chapter to drive any cow or cows over or across said line for the purpose of pasturing within the city, except upon an inclosed pasture.

596. § 9. All animals found running at large, in violation of any of the preceding sections, shall be taken up by the city pound master, and confined in the pound, or other place provided therefor, until duly discharged therefrom as by ordinance provided. And the pound master shall properly water, feed, and care for such animals while in his custody.

597. § 10. The pound master shall receive such animals from any other person, upon affidavit—which affidavit said pound master shall file with the City Clerk—that the same have been taken up while running at large, in violation of this chapter, and shall impound the same, and treat them in all respects as if taken up by himself: *Provided*, that no such animal shall be so taken up except by direction of some officer of the city, or of some householder residing on the street where such animals shall be found at large.

598. § 11. The pound-master shall, within twelve hours after impounding such animal or animals, leave a description of the same in the office of the City Clerk, who shall make a record thereof in a book for registering estrays, and post a notice thereof at the street entrance to his office, for three days, unless the owner or owners of said animal shall be sooner found.

599. § 12. If the owner or keeper of any such animal or animals shall not, within three days after the same has been so posted by the Clerk, appear, pay the charges thereon and take the same away, the pound-master shall make complaint before any Justice of the Peace or Police Magistrate in the city. Such complaint shall contain a reasonably accurate description of such animal or animals, together with the name of the owner or owners thereof, if known, or if unknown, the complaint shall so state. It shall thereupon be the duty of such magistrate, if the name or names of such owners be known, to issue a summons to such owner or owners to appear and show cause why such animal or animals shall not be sold at public vendue to pay the costs and charges thereon, including the costs and charges of proceedings before such justice. Such summons shall contain a description of such animal or animals, and shall, in the first instance, be returnable at any time not less than two nor more than ten days thereafter; but personal service thereof shall be had at least one day before trial. The party who took up, or caused such animal to be impounded, shall be notified to appear and testify at the trial of said cause, and in case he fails to do so, and the taking up be adjudged wrongful, the costs of such proceedings may, in the discretion of the magistrate, be taxed against the pound-master or other person who took up the same. If the name or names of such owner or owners be unknown, or such summons be returned endorsed "not found," it shall be the duty of such magistrate to prepare at least three notices, substantially like the summons hereinbefore mentioned, to be directed to such unknown owner, or person not found, in which notices shall be fixed a day for trial, not less than ten days from the date of issuance and posting, which shall be immediately delivered to the pound-master, who shall, at least ten days before said day of trial, post the same in three of the most public places in the city. Upon such trial day, if due service of notice appear, the magistrate shall proceed to hear the evidence, which shall include evidence as to the value of such animal or animals. If such taking up be found lawful, and all costs and charges be not paid, the magistrate shall render judgment against each animal for the amount of costs and charges properly taxable against the same, including the estimated cost of keeping the same to the day of sale, and stating the value of each

animal as found by him upon the evidence. If said judgment or any part thereof, shall remain unpaid on the day following, an order of sale shall thereupon issue to the marshal, who shall proceed to sell the same at public vendue, to the highest bidder for cash, first giving ten days' notice of the time and place of sale, by at least three notices, posted in three of the most public places in the city, and if the value of such animal or animals, so found by said magistrate, exceed \$25, he shall also publish such notice at least once in the official newspaper. At the time and place of sale, if the costs and charges so assessed against one or more of said animals be unpaid, the marshal shall sell the same as above provided, and from and out of the proceeds of the sale of each animal shall, first, reserve and pay all costs, charges and assessments thereupon levied, if sufficient there be, and if not, then *pro rata*, and the surplus if any, to the owner or owners, if known, on request, within ten days thereafter; if the owner be unknown, or such surplus be not called for within ten days, he shall pay the same to the City Treasurer, who shall keep it for one year, in a separate fund, subject to the order of the proper owner, and thereafter it shall be put in the common fund.

600. § 13. The fees of justices shall be as near as may be the same as in attachment cases for similar services. The fees of the pound-master shall be, for taking up each animal and furnishing description thereof to the City Clerk, 25 cents, and all necessary and proper expenditures for feeding, watering and caring for the same, together with the same fees for all other services as are allowed constables for similar services in attachment cases, to be paid out of the proceeds of the sale only.

601. § 14. Any person or persons who shall knowingly suffer any dead animal belonging to him, to remain within the city, or within one-half mile thereof, without being so buried as to prevent it from becoming putrid or offensive to any person residing within the city, shall be guilty of a nuisance, and shall be subject to a penalty of not less than five dollars.

602. § 15. It shall be the duty of the City Marshal, and all other members of the police department, to notify the owner of such animal, if he can be found, and direct him, without delay, to remove or bury the same. In case of refusal or neglect of such owner or owners forthwith to comply with such order, the marshal shall cause the same to be buried, or said nuisance otherwise abated, at the owner's expense, if he can be found. If not, the bill for any necessary services may be presented by said officer to the City Council, for payment.

603. § 16. No owner of any cow shall permit the same to wear a bell; and any person violating this section shall be subject to a penalty of one dollar.

CHAPTER XXIII.

CEMETERIES.

Section.

1. Linwood Cemetery.
2. Sales of lots confirmed.
3. Prices of said lots.
4. City Clerk to keep account of sales.
5. Burial place for poor reserved.
6. Sexton—his appointment—duties.
7. Further duties of sexton.
8. Grave not to be dug in walk, etc.

Section.

9. Compensation of sexton.
10. Depth of graves. Walks not to be obstructed.
11. Bodies not to be removed from cemeteries without permission.
12. Depredations in cemeteries.
13. Permits for burial.
14. New cemeteries not to be established without authority.

604. § 1. The premises conveyed to the city of Galesburg by the Linwood Cemetery Association, by deed bearing date of December 15, 1857, and any additions which may be made thereto, shall be, and the same is hereby declared to be the public burial ground of Galesburg, which shall be continued and known as Linwood Cemetery.

605. § 2. The survey and plat of said grounds, as made and recorded by the said cemetery association, is hereby approved and confirmed, and all sales of lots made in said grounds on which the purchase money has been paid, and all sales heretofore made, in compliance with the terms of an ordinance of the city, as published in December, 1869, are hereby approved and confirmed.

606. § 3. The prices of lots in said grounds shall be ten dollars, one-half of which shall be paid down and the balance in six months to the said City Clerk, who shall give the purchaser a certificate, stating the payment of the said five dollars, the number of the lot, and that the purchaser will be entitled to a deed for the same in six months, upon the payment of the remaining five dollars; and when said purchase money shall all be paid, the Mayor and Clerk shall make a deed for the lot to the proper holder of the certificate.

607. § 4. It shall be the duty of the City Clerk to keep a separate account in a book kept for that purpose, of all said sales and payments, and as soon as any money is paid to him, he shall pay the same over to the City Treasurer and take his receipt therefor.

608. § 5. That so much of said cemetery as is numbered blocks 11, 12, 13, 14 and 15, shall be reserved for and appropriated to the burial of poor persons and strangers, who may not have other grounds provided for them, and the residue of the lots or blocks of said cemetery shall be reserved for the use and

possession of such families and persons, and such only, as have heretofore, or shall hereafter, become the purchasers of the same, to be used by them as places of burial for the dead, and for no other use or purpose whatever, all of which shall be under the control of said city, subject to the ordinances, rules and regulations thereof; and all owners of said lots, or other persons, shall comply with the same in the interment or removal of bodies, and in the care, ornamentation and use of the grounds thereof, and no deed or contract made with said city shall prevent the exercise of such power on the part of the city.

609. § 6. The City Council shall appoint a sexton for said cemetery, who shall hold his office at the pleasure of the Council. It shall be his duty to take the entire charge, control and superintendence of said cemetery, subject to the order of the Council, and preserve and keep in proper repair the fences and enclosures of the same, so as to prevent its being entered by swine or other animals; and also, as far as practicable, prevent the destruction or defacing of any grave, grave-stone, tablets or monuments placed or erected in said cemetery. It shall also be his duty to point out to persons wishing to purchase, all lots for sale, and notify the Clerk when and where any person has made a selection.

610. § 7. It shall be the duty of the sexton, on request of the owner or person controlling any lot or part of lot in the cemetery, to dig all required graves therein; to attend every interment in person or by some competent deputy; to fill up and neatly trim the grave, immediately after depositing the coffin; to fill up and trim the graves that have, or hereafter may settle or sink in; to register, in a proper book kept for that purpose, the names, ages and residences, so far as known, of all persons so buried therein, stating the place where buried, which registry shall always be open to the inspection of the Council, and of the public and persons interested therein without charge; he shall at all times keep the walks, avenues and alleys in good order and open to each lot.

611. § 8. It shall be unlawful to dig any grave in any walk, lane or avenue of said cemetery; and, in like manner, unlawful for any person to dig any grave or bury any body in said cemetery without consent of the sexton.

612. § 9. The sexton shall be paid such compensation as the Council may from year to year determine, and it shall be lawful for him to charge and collect of the person who shall employ him to dig a grave, the sum of three dollars, except for children under ten years of age, for which he shall charge but two dollars, in consideration of which he shall perform all the work about said grave provided in section seven of this chapter; but nothing in this chapter contained shall prevent any person from digging a grave for any deceased person without charge.

613. § 10. All graves in any cemetery within the city shall be dug at least five feet deep. All fencing, vaults or ornaments placed by individuals on their lots, shall be so built and placed as not to obstruct any walk, lane, or avenue or access thereto. Any person violating this section shall, for each offense, be subject to a penalty of not less than five dollars.

614. § 11. It shall be unlawful to open or cause to be opened, any grave, or take up or remove, or cause to be taken up or removed, any body interred in any cemetery within this city, without written permission from the Mayor; and then the removal shall be under supervision of the sexton thereof. Any person violating this section shall be subject to a penalty of not less than twenty-five dollars.

615. § 12. Any person who shall willfully destroy, mutilate, deface, injure, cut, break, loosen, tear up or remove any tomb, monument, stone, ornament, fence, tree, shrub, flower, plant, railing, building or object whatever in or about any cemetery, or in any avenue, lot or part thereof, or shall shoot or discharge any gun, pistol, or fire-arms or fire-works, or other missiles, within the limits of any cemetery, or shall cause any shot or missile to be discharged into or over any portion of any cemetery, or shall violate any of the following rules—

First—All persons are required to conduct themselves while on any cemetery grounds, in a decent and orderly manner;

Second—Each person shall have exclusive control of his or her own burial plat;

Third—No person is allowed to drive any wagon or other vehicle in any cemetery, except on the main carriage road;

Fourth—No person is allowed to take rough stone into any cemetery for the purpose of dressing them on said cemetery grounds;

Fifth—No person is allowed to pluck any flowers on any cemetery ground, except on their own plats;

Sixth—No person shall use or frequent any cemetery for gambling, obscene or lewd purposes;

(Which said rules shall be plainly printed and placed at each entrance to said cemetery)—shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof be subject to a penalty of not less than five dollars nor more than one hundred dollars.

Nothing in the above section shall be construed as interfering with the control of burial lots by the owners thereof.

616. § 13. It shall be the duty of the person having charge of the burial of any dead person to procure a permit therefor from the City Clerk; and any person violating this section shall be subject to a penalty of not less than five dollars.

617. § 14. No new cemetery or burying ground shall be established within the city without authority from the City Council.

CHAPTER XXIV.

DEATHS.

Section.

1. City Clerk to keep register of; shall keep and furnish blanks to physicians, etc.
2. Shall issue certificates of deaths and burial permits.

Section.

3. Physicians, etc., shall certify to Clerks all deaths.
4. When no physician present. Certificate how obtainable.
5. Burial without permit unlawful.
6. Penalty for, etc.

618. § 1. The City Clerk shall provide and keep a suitable book for registry of all deaths within the city limits; and also provide and keep constantly on hand for use of physicians and accouchers practising in the city, printed blank certificates of death, which shall at all times be furnished to such physicians, accouchers and acting coroners on request, without charge therefor.

619. § 2. The Clerk shall promptly record in said book the substance of all certificates of death furnished him by physicians, accouchers and acting coroners, filing and preserving the originals; and upon receipt of each such certificate of death, shall sign and issue a burial permit or permission to remove the corpse from the city for burial, as may be desired. The Clerk shall carefully preserve such book of registry and such certificates, and keep the book at all proper times open to public inspection.

620. § 3. All such physicians, accouchers and acting coroners shall immediately certify to said clerk all deaths of persons upon whom he or she was professionally attendant, within the city; stating in each certificate of death, the cause of death, name, age, and residence of the deceased, so far as known, and if unknown, so certifying.

621. § 4. When any death shall take place, no physician or accoucher having been professionally attendant, the same shall be reported immediately to the City Clerk by the parent of the deceased; or, if none, by the nearest of kin; or, if none, by the resident householder where such death shall occur; and thereupon the City Clerk shall notify the City Physician, who shall examine

into the cause of death, and if he deems it advisable, may cause the City Clerk to sign and issue a burial permit or permission to remove from the city for burial.

622. § 5. It shall be unlawful at any time hereafter, either to bury any person within the city limits, or to remove from the city for burial the body of any deceased person, without a written permit from the City Clerk.

623. § 6. Any person violating either provisions of this chapter shall be subject to a penalty of not less than five dollars, nor more than twenty-five dollars, for each offense.

CHAPTER XXV.

DOGS.

Section.

1. Trespassing, may be killed.

Section.

2. Mad dogs.

624. § 1. Any dog found trespassing and doing damage upon private premises, or worrying any animal of another at a place where the same shall lawfully be, or attacking and attempting to injure any person, or frightening any team, traveling or being in or upon any street or other public place in the city, may then and there lawfully be shot or otherwise killed by any person.

625. § 2. The Mayor may, from time to time, whenever in his discretion the public safety may require it, prohibit by notice in a public newspaper, all dogs not securely muzzled from running at large within the limits of the city, and may appoint deputies with authority to kill all dogs running at large within the city; and such prohibition may continue so long as the public safety, in the opinion of the Mayor, may require; and such prohibition shall remain in force until the Mayor shall give public notice of the discontinuance thereof.

CHAPTER XXVI.

DRAM SHOPS.

Section.

1. Selling liquor without license.
2. Application—bond—rate of license.
3. License not transferrable—sale of liquors confined to one room.
4. Sale of liquors to minors or intoxicated persons.
5. Giving away of liquors.

Section.

6. Keeping dram shops open on Sunday, etc.
7. Games prohibited.
8. Obstructing view from street.
9. Prosecution—evidence.
10. Suspension and revocation of license.

626. § 1. Whoever, not having a license to keep a dram shop, shall by himself or another, either as principal, agent, clerk or servant, directly or indirectly sell any intoxicating liquor, in any less quantity than one gallon, [or in any quantity to be drank upon the premises, or in or upon any adjacent room, building, yard, premises or place, or place of public resort] or whoever having such license, shall sell any intoxicating liquor contrary to the conditions of such license, shall be subject to a penalty of not less than fifty dollars for each and every offense.

627. § 2. Before such license shall issue application shall be made to the City Council in writing, stating particularly the time for which such license is desired, and the place where it is intended to locate the dram shop for which said license is sought, designating the room where said dram shop is to be located. Such application shall be accompanied by a bond in the penal sum of three thousand dollars, payable to the People of the State of Illinois, with at least two good and sufficient sureties, freeholders of the county of Knox, to be approved by the City Council and conditioned that such applicant will pay to all persons all damages that they may sustain, either in person or property, or means of support, by reason of the person so obtaining a license selling or giving away intoxicating liquors. The sum to be paid for such license shall be at the rate of six hundred dollars per annum, and shall be paid quarterly in advance, and all such licenses shall expire on the first day of May in each year, but no license shall be granted for a less period than one year or for the unexpired portion of the year, beginning on the first day of the quarter in which said application shall be made, and ending May 1st next ensuing; and a failure to make any such quarterly payment shall operate as a revocation of such license. The time for the making of such quarterly payments shall be on the first days of May, August, November and February of each and every license year.

628. § 3. No license granted under this chapter shall be transferable or assignable, nor shall any person be permitted to occupy more than one room in carrying on his business under said license; and no room thus used as a dram shop shall be connected with any other room by means of any opening, window, door, stairway, dummy, dumb-waiter, or in any manner whatever, except it be with a room or place situated on the same floor as said dram shop, and which shall be plainly open to view from the public streets, as provided in section 8 of this chapter: *Provided, however,* that the room or place thus permitted to be connected with a dram shop, shall not be connected with any other room or place by means of any opening, window, door, stairway, dummy, dumb-waiter, or in any manner whatever; nor shall any intoxicating liquor, be sold, delivered or drank in such room.

629. § 4. Whoever, with or without a license, by himself, his agent, clerk, or servant, shall sell or give intoxicating liquor to any minor, without the written order of the parent or guardian first obtained, or to any person intoxicated, or who is in the habit of getting intoxicated, shall, for each offense, be subject to a penalty of not less than fifty dollars.

630. § 5. The giving away of intoxicating liquors, or other shift or device, to evade the provisions of this chapter, shall be held to be an unlawful selling.

631. § 6. It shall not be lawful for the keeper or proprietor of any dram shop to keep said dram shop open, or to allow any drinking therein on Sundays, nor on the day of any general election, nor after eleven o'clock at night.

632. § 7. It shall not be lawful for the keeper or proprietor of any dram shop to permit any cards, dice, dominoes, or any other game or games, excepting billiards and pool, to be played in his dram shop or in any room or rooms adjacent thereto or connected therewith: *Provided,* that the keeper or proprietor of any dram shop, who permits the playing of billiards or pool in his dram shop, or in any room or rooms adjacent thereto, shall not by himself or another, either as principal, agent, clerk, or servant, give or pay out to any person or persons playing such games, any chip, check, or other device, which is an equivalent for cash, or which may be accepted in lieu thereof, for the purchase of anything in his dram shop: *Provided, further,* that it shall not be lawful for any keeper or proprietor of a dram shop in which the playing of billiards or pool is permitted, to allow any minor to play or remain in, or loiter about his dram shop without the written consent of his parent or guardian.

633. § 8. It shall not be lawful in the room where such dram shop is located, to obstruct or prevent a full view of said room from the public street, by means of any screen, frosted window,

window blind, curtain, partition, or any other object whatever, but the entire room where such liquor is sold or drank, shall be plainly visible at all times, by day and by night, from the public street, and shall at all times be accessible to the police.

634. § 9. In all prosecutions under this chapter, it shall not be necessary to state the kind of liquor sold, nor to describe the place where sold, nor to show the knowledge of the principal to convict for the acts of an agent, clerk or servant.

635. § 10. The Mayor shall have power to suspend for a stated period, or to revoke any license granted under this chapter for a non-compliance with, or a violation of, any provisions of this chapter, and it shall be the duty of the Mayor to report to the City Council, at its next meeting, either regular or special, such suspension or revocation, with his reasons therefor, and the Council shall thereupon affirm or reject such suspension or revocation.

636. § 11. Any person violating any section of this chapter shall be subject to a penalty of not less than fifty dollars.

CHAPTER XXVII.

GENERAL LICENSES.

Section.

1. Who shall take out.
2. To druggists; restriction over.
3. Clerk, etc., violating chapter guilty with employer.
4. Keeper of confectionery stores—defined, etc.
5. Keeper of auction stores—defined, etc.
6. Auctioneer—defined, etc.
7. Hackman—defined, etc.
8. Drayman—defined, etc.
9. Hawker—defined, etc.
10. Peddler—defined, etc.
11. License may issue to firm.
12. Hackmen, etc., to be numbered—duties of, etc.—penalty.
13. Regulating charges of hackmen, etc.
14. Regulating charges of draymen, etc.
15. Hackmen and draymen to carry passengers and goods upon tender of charges, etc.
16. Shall post in conveyances three preceding sections.
17. Defining pawnbroker, etc.
18. Defining junk dealer, etc.

Section.

19. Defining keeper of second-hand store.
20. Pawnbroker's license, etc.—how obtained—shall give bond, etc.
21. Pawnbrokers, etc., shall keep record—requisites of, etc.—penalty.
22. Book shall be open to inspection of police, etc.
23. Shall notify police when property is suspected to have been stolen, etc.
24. Shall not purchase of minor, intoxicated person, or known thief—penalty, etc.—exception.
25. Defining night scavengers—provides for license and bond.
26. Duties of night scavengers.
27. Owners of vaults shall not remove without permission of Board of Health.
28. Night scavengers—fees of, etc.
29. Expiration of licenses—none granted for less than one quarter.
30. Sums to be paid for licenses.
31. License shall not issue except to persons of good moral character.
32. Clerk shall keep register of licenses.

637. § 1. The following persons, before carrying on or exercising, either directly or indirectly, their business within the limits of this city, shall first procure a license therefor, viz :

Auctioneers; dealers in ice; draymen; druggists; hackmen; hawkers; keepers of auction stores; keepers of billiard and pool tables, or either; keepers of bowling alleys; keepers of gunpowder; keepers of second-hand stores; keepers of soda fountains; junk dealers; night scavengers; pawn-brokers; peddlers; showmen. And every person violating any of the provisions of this section shall be subject to a penalty of not less than five nor more than fifty dollars for each offense: *Provided*, that for circus or menagerie or theatrical exhibitions under canvass and out of doors, the penalty shall not be less than fifty dollars, nor more than one hundred dollars; and for all other like exhibitions or performances by transient persons, whether in or out of any hall or house, the penalty shall not be less than twenty dollars for each offense: *And provided, further*, that where the act or business requiring license is continuous from day to day, each day's continuance of such business without license shall be considered a separate

offense: *And provided, further*, that this section shall not apply to musical parties, concerts, thespian performances, fairs, lectures or other like exhibitions or entertainments given exclusively by the citizens of this city, or by any other person or persons, for the benefit of any literary, scientific, religious or charitable purpose.

638. § 2. License to druggists within the city shall only be allowed when the business is chiefly in the sale of drugs, and shall authorize the sale, in good faith, of spirituous, vinous, fermented or alcoholic liquors for sacramental, medicinal, mechanical and chemical purposes, and for no other purpose whatever.

639. § 3. All persons, whether acting as clerk, agents, servants or otherwise, in the doing of any business for which license is required, who shall knowingly engage therein, or do any such acts, unless their principal has license therefor duly granted, shall be deemed equally guilty as the proprietor or employer of such agent, clerk or servant.

640. § 4. Every person who shall keep a house or place for the sale of ice creams, confectioneries and fruits, or either, except grocers and bakers, shall be deemed a keeper of a confectionery store. [License fee stricken out.]

641. § 5. Whoever shall open, keep, maintain or control for business purposes, any store-house, room or place of business for the sale in whole or in part of goods, wares, merchandise, or personal property of any description at auction, shall be deemed the keeper of an auction store.

642. § 6. Any person not having license to keep an auction store, who shall sell at auction any goods, wares, merchandise or personal property, shall be deemed an auctioneer, and shall first take out license as an auctioneer, and such license shall not include the keeping of an auction store: *Provided*, that if any person, not a resident of the city, shall bring into the city any goods, wares, or merchandise for sale in the city, either upon a public street, or other out-door place, or within any store, room, tent or booth, and shall sell the same or any part thereof, by auction, such person shall first procure a license as a keeper of an auction store.

643. § 7. Every person who shall by wagon, carriage, omnibus, hack, or other vehicle, carry persons within the city for hire, shall be deemed a hackman.

644. § 8. Every person who shall by wagon, dray, or other vehicle, carry goods within the city for hire, shall be deemed a drayman.

645. § 9. Every person, who, as a business or employment, shall cry and sell his goods on the street, shall be deemed a hawker.

646. § 10. Every person, who, as a business or employment, shall sell or dispose of his goods on the street, or from house to house, but not at public outcry, shall be deemed a peddler ; but nothing in this chapter shall prevent any farmer, fruit or vine-grower, or gardener from selling the produce of his farm, orchard, vineyard or garden, on the streets, or from house to house, without license as a peddler : *Provided*, that nothing herein shall be construed to permit the sale of spirituous, vinous or malt liquors.

647. § 11. Licenses may be granted to two or more persons doing business as a firm or partnership, in which case each partner shall become alike bound in all the obligations and duties imposed by this chapter.

648. § 12. All drays, wagons, carts, carriages, hacks, omnibuses or other like vehicles, shall be subject to the following restrictions, viz : Each vehicle shall have a number, to be furnished by the City Clerk, and to be placed in some conspicuous place on such vehicle, and such carrier of persons or of goods, shall whenever demanded, transport such persons or goods as may be offered, to any part of the city with promptness and care, and for such rates of fare, and no more, as may be fixed by the City Council. And for any violation of their duties in that respect, such carrier shall be subject to a penalty of not less than three nor more than fifty dollars.

649. § 13. Licensed hackmen may charge and receive, for errrying persons for any distance not exceeding one mile, for one person, twenty-five cents ; over one mile and within the city, fifty cents ; for children in care of parents or nurse, and under five years of age, no charge shall be made ; for children over five and under twelve years of age, in care of parent or other person, not exceeding fifteen cents ; for carrying trunks an extra charge for each trunk, (not embracing anything carried in hands of passengers) ten cents.

650. § 14. Licensed draymen may charge and receive for carrying a one-horse load the distance of four blocks, or less, not exceeding twenty-five cents ; for carrying the same over four blocks and less than eight blocks, thirty-five cents ; and when over eight blocks and within the city, fifty cents ; for like distances with two-horse load, one-third more per load.

651. § 15. Licensed hackmen and draymen shall, at all reasonable times, when requested, and the proper charges are tendered, carry with care and dispatch, all such passengers or goods as may be offered them respectively. And for any failure or refusal to do so, such hackman or drayman shall be subject to a penalty of not less than five dollars nor more than fifty dollars.

652. § 16. Hackmen and draymen shall, at all times, keep

posted up in a conspicuous place in their conveyance, a printed copy of this and the preceding three sections, for the inspection of any person employing them, and shall, on request exhibit the same to such person; and for any failure to do so, or for any overcharge for such services, such hackman or drayman shall be subject to a penalty of not less than five nor more than fifty dollars.

653. § 17. Any person who loans money on deposit or pledge of personal property, bonds, notes, or other securities, or who deals in the purchasing of personal property, or chases in action, on condition of selling the same back again at a stipulated price, or who shall, at his place of business, exhibit three balls, or any other sign or device designating the business of a pawnbroker, is hereby defined and declared to be a pawnbroker within the meaning of this chapter.

654. § 18. Any person who keeps a store, office, or place of business for the purchase or sale of junk, rags, old iron or any other old metal, paper, bagging, or the like, is hereby defined to be a junk dealer.

655. § 19. Whoever keeps any store, room, office, or place of business for the purchase or sale of second-hand furniture, household goods, clothing, or any other second-hand articles, is defined to be the keeper of a second-hand store.

656. § 20. The City Council may grant a license to any person desirous of becoming a pawnbroker, junk dealer, or keeper of a second-hand store, on condition that the person applying shall first pay into the city treasury one quarter of the yearly license, and shall thereafter pay each quarter's license in advance, as hereinafter fixed; and shall execute to the city of Galesburg a bond with sufficient security, to be approved by the Mayor, conditioned that the said pawnbroker, junk dealer, or keeper of a second-hand store, will, in all respects, conform to the requirements of this chapter and the laws of this State, relating to said business. The amount of said pawnbroker's bond shall be \$300; the amount of said junk dealer's bond shall be \$200; the amount of said keeper of second-hand store's bond shall be \$200.

657. § 21. Every person so licensed as such pawnbroker, junk dealer or keeper of a second-hand store, shall keep at his place of business a substantially bound book, in which he shall enter in writing in ink a minute description of all property, of the character included in sections 17, 18 and 19 of this chapter, received on deposit or purchased as aforesaid in the course of his business as such pawnbroker, junk dealer or keeper of second-hand store, the times when he received the same, and whether received on deposit or pledge, or by absolute purchase, and particularly mentioning any prominent or descriptive mark that may

be on such property when the same is presented for sale or pledge, together with the name and residence of the party offering the same; and if the person offering property for pledge, sale or pawn is not a resident of the city of Galesburg, it shall then be the duty of said pawnbroker, junk dealer or keeper of a second-hand store, to enter in said book a particular description of the person offering said property, so that he may be identified thereby. Said book shall be kept clean and legible, and no entry therein shall be obliterated, defaced or erased, and all entries therein shall be made with a good durable ink. Every person licensed as a pawnbroker, junk dealer or keeper of a second-hand store, who may fail or neglect to comply with this section shall be subject to a penalty of not less than five nor more than twenty-five dollars.

658. § 22. Every person so licensed as aforesaid, shall during the ordinary hours of business, when requested by the Mayor, police officer or other public officer of the city or of the county of Knox, submit and exhibit such book mentioned in the next preceding section to the inspection of such Mayor, police officer or other public officer. And he shall also exhibit any goods, or personal property of the character included in sections 17, 18 and 19 of this chapter, received in pledge or purchased by him, to the inspection of such officer whenever so requested to do. And every person licensed as aforesaid, who shall refuse to exhibit such book or articles as above provided, shall be subject to a penalty of not less than twenty-five dollars.

659. § 23. Every person licensed to keep a pawnbroker's shop, junk shop or second-hand store, shall in good faith use every precaution in his power to prevent his place of business from becoming the receptacle of stolen goods, and whenever any article of property is offered to him for pledge, pawn or sale under such circumstances as to create in the mind of a reasonable and cautious person suspicions that the same may have been stolen, or that the person so offering the same is not the *bona fide* owner thereof, he shall immediately notify the police of his suspicions. And it shall be his duty to retain all goods or articles of value purchased by him of persons who are not residents of this city, at least twenty-four hours before he may sell the same, and during that time he shall keep such goods or articles of property in plain view of all persons who may visit his place of business. And for every violation of this section he shall be subject to a penalty of not less than ten nor more than twenty-five dollars.

660. § 24. No person licensed as aforesaid shall take or receive in pawn or pledge for money loaned, or shall take, receive or purchase in the line of his business as a pawnbroker, junk dealer or keeper of a second-hand store, any article, property or thing of

and from any minor, or any article, property or thing of and from any person, the ownership of which property is in or claimed by any minor, the said pawnbroker, junk dealer or keeper of a second-hand store knowing said property to be owned or claimed by such minor, nor from any person appearing to be intoxicated, nor from any person known to be a thief, or to have been convicted of larceny or burglarly. Any person violating either of the provisions of this section shall, on conviction, be fined in a sum not less than five dollars for each and every offense: *Provided*, that this chapter shall not apply to any person or persons conducting or carrying on a hardware store, nor any foundry, rolling mill or establishment for the manufacture of articles of iron, only so far as it pertains to buying from boys or minors as provided in this section.

661. § 25. Any person or company who shall engage in the business of removing the contents of privy vaults within the city, for hire and profit, shall be deemed night scavengers within the meaning of this chapter. No person or company shall exercise the calling of night scavenger within the city without first obtaining a license in pursuance hereof. The City Council may license one or more night scavengers: *Provided*, the person applying therefor shall execute to the city of Galesburg a bond, in the sum of two hundred dollars, with surety, to be approved by the Mayor, conditioned that such night scavenger shall well and truly keep and perform all and every of the provisions and restrictions of this chapter: *And provided, further*, such night scavenger shall pay for the use of the city, the sum hereinafter fixed for such license, and no other fees.

662. § 26. Such night scavenger so licensed shall each provide himself with a team, and wagon with a covered water-tight box, of the capacity of twenty-seven cubic feet, which said box, when filled, shall be deemed a load. Upon each side of said wagon box shall be painted in letters and figures, the name and number of such license; and also a transparent light showing the word "Scavenger," and the number of the license, in letters, words and figures, so that the same can be read by all passers by. It shall be the right and duty of such night scavenger so licensed, when requested by the owner, agent or occupant of any premises, wherever any privy vault is situated within the city, to cleanse and remove the contents of the vault thereof, as hereinafter provided; and to deposit the same at such places as may from time to time be designated by the Commissioner of Health of the city: *Provided*, no such privy vault shall be opened or contents thereof disturbed or removed between the hours of four o'clock a. m., and ten o'clock p. m. of any day; nor shall such contents be deposited or buried

within the city, except upon the written permission of the Commissioner of Health of said city ; and in such manner and places as shall be by him directed : *And provided, further*, that if any night scavenger shall not dispose of said contents as above provided, and cover the same so as to prevent any smell arising therefrom, his license shall be forfeited ; and may be immediately revoked and annulled by the Mayor of this city. Any owner or driver of any night scavenger wagon, who shall violate any provision of this chapter, or disobey the written order of the Commissioner of Health, respecting the removal and deposit of the contents of any privy vault shall be fined not less than five nor more than fifty dollars for each offense.

663. § 27. Owners or occupants of property upon which are situated privy vaults within the city, desiring to clean the same and remove the contents thereof themselves without the aid of the night scavengers, as aforesaid, shall not be allowed to do so except upon the written permission of the Commissioner of Health of the city ; and then only in such manner as in said permit be directed : *Provided*, the Commissioner of Health shall have no power to permit the contents of any privy vault to be disturbed or removed except between the hours mentioned in the preceding section : *Provided, further*, that no delay or refusal of the Commissioner of Health to grant such permit shall be an excuse or justification to any party for not cleaning any privy vault when directed to do so by the Board or Commissioner of Health. Any person violating the provisions of this section shall be subject to a penalty of not less than five dollars nor more than fifty dollars.

664. § 28. Such night scavengers licensed as aforesaid, shall be allowed to charge and receive for each load by them so taken, removed and buried, a sum not exceeding five dollars : *Provided*, such scavenger having undertaken such work on any privy vault, shall, speedily and without delay, proceed with the same, and for no reason abandon it until it is completed, in all cases leaving the privy in as good condition upon the vault as when the work was undertaken.

665. § 29. No license granted under this chapter shall extend longer than the thirtieth day of April next after the same is issued ; and quarterly licenses shall expire on the last days of July, October, January and April of each and every license year. No license, other than yearly licenses, shall be granted for less than the periods mentioned ; and no license shall be granted when a yearly rate only is mentioned, except for one year or the unexpired portion thereof, beginning on the first day of the quarter in which application is made for such license : *Provided*, no such license shall be granted for a less period than a quarter.

666. § 30. The following shall be the regular sums to be paid for licenses when the same are issued, for the periods mentioned, or a proportionate sum when granted for an unexpired part of a year; and no license shall issue until all of the same is paid, viz :

Auctioneers, per quarter, five dollars.

Auctioneers, per annum, ten dollars.

Druggists, per annum, fifteen dollars.

Draymen, per annum, five dollars.

Dealers in ice, per annum, five dollars.

Hackmen, per day, one dollar.

Hackmen, per week, three dollars.

Hackmen, per annum, twelve dollars.

Provided, that hackmen who charge only five cents fare, shall pay per annum, five dollars.

Hawkers, per day, five dollars.

Junk dealers, per annum, fifteen dollars.

Keepers of auction stores, per day, ten dollars.

Keepers of auction stores, per quarter, one hundred dollars.

Keepers of auction stores, per year, two hundred dollars.

Keepers of billiard and pool tables, or either, per year, for first table, twenty-five dollars.

Keepers of billiard and pool tables, per year, for each additional table, fifteen dollars.

Keepers of soda fountains, per annum, five dollars.

Keepers of bowling alleys, per annum, twenty-five dollars.

Keepers of gunpowder, per annum, three dollars.

Keepers of second-hand stores, per annum, twenty-five dollars.

Night scavengers, per annum, five dollars.

Peddlers, except peddlers of meat, fish, milk, ice or bread, per day, one to ten dollars; per week, three to twenty-five dollars; per month, ten to one hundred dollars.

Pawnbrokers, per annum, one hundred dollars.

Circus, menagerie, or either, per day, seventy-five dollars.

Side-shows accompanying circus and menagerie, per day, each ten dollars.

Other shows under canvass, and not in a house, per day, ten to twenty-five dollars.

Theatrical or musical performances, per day, five dollars.

Minstrels, per day, five dollars.

Any other exhibition in a house, and to be licensed, per day, one to five dollars.

The keeper of any place or stand kept for purposes of ball-throwing or target shooting, or the employer of any other device, for purposes of amusement or recreation, or exhibitions of any

kind, not otherwise provided for in this chapter, shall pay as license, per day, one to five dollars; per week, five to ten dollars; per year, twenty to fifty dollars.

667. § 31. No license shall be granted to any person who shall not be at the time application is made therefor a person of good moral character.

668. § 32. The Clerk shall keep a registry of all licenses, showing date of issue, time of expiration, business licensed, and amount paid; and no license shall be issued until the Treasurer's receipt for the license fee shall be delivered to the Clerk. And all licenses shall be subject to all ordinances in relation to such licenses which may be in force at the time of issuing the same, or made subsequently; and if any person licensed shall violate any provision of any ordinance in relation to his license, the said license may be revoked in the discretion of the Mayor or City Council; and the party licensed may be proceeded against for such fine or penalty as may be incurred by reason of such violation. No license shall be assignable or transferable except by permission of the Mayor first endorsed thereon; nor shall any person be permitted to act under one license at more than one place at a time, or at any other than the place named, unless so expressly mentioned in his license.

CHAPTER XXVIII.

JUSTICES OF THE PEACE.

Section.

1. Justices shall keep docket of city cases.
2. Shall make reports to Council monthly.

Section.

3. Shall pay to Treasurer all fines collected, etc.

669. § 1. The several Justices of the Peace of this city shall keep a full and complete docket of all city cases commenced, tried and disposed of before them, and note upon the docket so kept what disposition was made as to fines and forfeitures, or steps taken in each and every case.

670. § 2. The several Justices of the city shall, at the close of every month, make, upon blanks to be furnished them by the City Clerk, reports to the City Council of all cases, fines and forfeitures imposed, collected and paid to them, with the name of the defendant, amount of fine, fees and forfeitures collected or otherwise disposed of.

671. § 3. The said several Justices shall with their said report as directed in the preceding section, pay into the city treasury all fines and forfeitures for the violation of city ordinances, and all other moneys collected by them for the use of the city.

CHAPTER XXIX.

MISDEMEANORS.

ARTICLE 1.—BOYS.

Section.

1. Loitering, flying of kites, etc.—penalty, etc.
2. Riding velocipede, etc.—penalty for.

Section.

3. Discharging rubber gun—penalty for.
4. Robbing birds' nests—penalty for.

672. § 1. Any boy, or other person who shall, in the frequented streets, use a bow and arrow, rise or fly a kite, explode or set off any fire-arms, fire-balls, fire-cracker, torpedo, rocket, balloon, or other fire-works, or pursue any other amusement calculated to impede travel, or frighten any animal; or endanger any property, or to injure or annoy any person, or shall be found loitering or strolling about in a manner tending to produce disturbance, mischief or crime, and shall refuse to go immediately to his home when so ordered by the Mayor or any police officer, or shall by any loud noises, or offensive behavior, either singly, or when two or more are assembled together, disturb the peace and quiet of any person, family, assembly or congregation, or by climbing up into any wagon, sleigh, carriage or other vehicle, or climbing into trees, or on housetops, or by throwing stones or other missiles, shall disturb or annoy any person, shall, for each offense, be subject to a penalty of not less than one dollar; and in every case in which the parent or guardian shall knowingly and willingly permit such offense, such parent or guardian shall be subject to a penalty of not less than three dollars.

673. § 2. Whoever upon any sidewalk in any part of the city, shall ride or drive any bicycle or velocipede shall be subject to a penalty of not less than three dollars for each offense.

674. § 3. Whoever shall within the city discharge any stones, shot, or other missile from any instrument known as, or in the nature of a rubber gun, shall be subject to a penalty of not less than three dollars.

675. § 4. Whoever within the city shall, by the use of fire-arms, target-guns, rubber-guns, or any missile whatever, kill or

main any wild bird, or rob the nest of any such bird not commonly known as a game bird, shall be subject to a penalty of not less than three dollars : *Provided*, it shall be no violation of this section to kill with fire arms the bird called the English sparrow.

ARTICLE 2.--CHEATS AND SWINDLERS.

Section.

1. False weights and measures.
2. Altering certificates of City Weigher, etc.
3. Selling adulterated articles.

Section.

4. Selling impure butter.
5. Board of Health may examine adulterated articles.

676. § 1. Whoever shall knowingly use any false scale or weight, beam or measure, in the purchase, sale or delivery of any goods, articles or property, or shall use the same in any way about his own business, or the business of another, in buying and selling, or delivering things that may be bought or sold by measure or weight, knowing that such weight, scale, beam or measure is not accurate according to the standard prescribed by law and the ordinances of the city, or shall sell or deliver goods, or any article or property by weight or measure, at weights, amounts or measurements, knowing the same to be less than the true weight, amount or measure for which the same was sold or delivered, shall be subject to a penalty of not less than ten dollars.

677. § 2. Whoever shall alter any certificate of the City Weigher or City Inspector, or any other city officer authorized to weigh, measure or inspect, or attempt to use the same for any other load or parcel than the one for which it was delivered, or shall after the weighing or measuring, and before the sale or delivery thereof, diminish the quantity or change the quality of the load or article so weighed or measured, or shall practice any other fraud or deceit in or about the weighing, measuring, sale or delivery of any load, or article, or parcel of goods or property, shall be subject to a penalty of not less than ten dollars.

678. § 3. Whoever shall knowingly offer for sale, or sell or dispose by barter, exchange or otherwise, any butter, lard, wax, or like article ; or grain, flour, sugar or like article ; or other thing or things used for commerce and food, in which shall be knowingly and deceitfully mixed any sand, terra alba, stones or other or different and unfit articles, shall be subject to a penalty of not less than twenty-five dollars.

679. § 4. No person shall sell or offer for sale, or expose to sale in this city, any compound, article or thing as butter, or rep-

resenting or holding out the same to be butter, except when wholly made from pure cream; and every person having in his possession, for the purpose of sale, any compound whatever, in lieu of or as a substitute for butter, shall have the box, vessel or package containing the same plainly stamped or marked with the appropriate name of such compound, article or thing, which name shall be other than butter, and any person violating this section shall be subject to a penalty of not less than twenty-five dollars.

680. § 5. The Board of Health, or any member thereof, is hereby vested with authority to examine any articles that may be manufactured or offered for sale, the adulteration of which is prohibited by this chapter.

ARTICLE 3.—DRUNKENNESS.

Section.

1. Penalty for.

Section.

2. Supplying prisoners with liquor—penalty for.

681. § 1. Whoever shall be found in a state of intoxication in any public place or in any dram shop, or in any place open to public view, shall be subject to a penalty of not less than three dollars.

682. § 2. Whoever shall supply or attempt to supply any city prisoner, or any person while committed to the city prison, with intoxicating liquor, except upon the written prescription of some respectable physician of the city, shall be subject to a penalty of not less than twenty-five dollars.

ARTICLE 4.—FIRE-ARMS.

Section.

1. Selling fire-arms to minor—penalty for.

2. Discharging fire-works—penalty for.

3. Toy pistols—penalty for keeping.

Section.

4. Minor shall not have in possession.

5. Duty of police.

683. § 1. No person shall, within the limits of this city, sell, loan or furnish to any person under the age of eighteen years, any gun, pistol, fowling piece or other fire-arm without the written consent of his parents, under a penalty of not less than ten dollars.

684. § 2. No person shall fire, discharge or set off within this city any rocket, cracker, torpedo, squib or other fire-work, or

anything containing any substance of an explosive character, under a penalty of not less than three dollars for each offense: *Provided*, that the Mayor may by proclamation permit the use of such fire-arms on the 4th of July and such other occasions as he may deem proper.

685. § 3. No person shall sell or keep for sale within this city any toy pistol of any sort for the explosion of percussion caps, be the same of metal or paper, and any person violating this section shall be subject to a penalty of not less than twenty-five dollars.

686. § 4. Any minor or other person found in the possession of any of the articles prohibited in the preceding section shall be subject to a penalty of not less than two dollars.

687. § 5. It shall be the duty of the police force and every member thereof to see that the provisions of this article are strictly complied with.

ARTICLE 5.—GAMING.

Section.

1. Keeping gambling instruments.
2. Keeping gaming room, etc.
3. Playing gambling games.
4. Duties of police in relation thereto.

Section.

5. Possession of gaming implements.
6. Frequenting, etc., gaming houses.
7. Destruction of gambling implements.

688. § 1. Whoever shall set up, keep or maintain, or permit to be set up, kept or maintained in any house, room or place within this city, occupied or controlled by him, any table, instrument, device or thing for the purpose of gambling, or with which money, liquors, or anything of value shall be played for, shall be subject to a penalty of not less than one hundred dollars for each offense.

689. § 2. Whoever shall keep a room or rooms, or place for the purpose of playing poker, or any other game whatever, with cards, for the purpose of gambling, and upon which money or anything of value is staked, shall be subject to a penalty of not less than one hundred dollars.

690. § 3. Whoever shall deal, play or engage in faro, roulette, poker, or any other device or game of chance, either as banker, dealer, player, or otherwise, for the purpose of gaming, shall be subject to the penalty of not less than twenty-five dollars for each offense.

691. § 4. It shall be the duty of the police force to give information to the Mayor of any house, room or place where such

games or devices for the purpose of gaming are maintained; and if at any time any police officer has good reason to suspect that this article is being violated in any particular, he shall forthwith make complaint thereof before some Justice of the Peace or Police Magistrate, and obtain a warrant authorizing him to enter such room or place; said police officer shall thereupon have authority to demand entry therein, and any person or persons who shall refuse or neglect to open the door or entrance to such house, room or place, upon application of any police officer having such warrant, shall be subject to a penalty of not less than twenty-five dollars for each offense, and such officer shall have the right to enter said premises by force.

692. § 5. No person shall bring into this city, or have in his, her or their possession in this city, any table, thing or device of any kind or nature, whereon or with which money or anything of value may in any manner be played for, under a penalty of not less than one hundred dollars.

693. § 6. Any person who is a frequenter, visitor, inmate or solicitor for any house, room or place in this city kept for the purposes of gaming, or in which any of the games covered by this article are played for money, liquor, or any other thing of value, shall be subject to a penalty of not less than twenty-five dollars.

694. § 7. It shall be the duty of any and every member of the police force to seize any table, instrument, device or thing used for the purposes of gaming; and all such tables, devices, instruments and things shall be destroyed under the supervision of the Mayor in accordance with the provisions of section 3, Chapter LIII. of this ordinance.

ARTICLE 6.—GAS AND TELEGRAPH.

Section.

1. Defacing or destroying street lamps, lamp posts, telegraph posts or wires.

695. § 1. Whoever shall willfully, maliciously, or negligently break, deface, destroy, or in any wise injure any street lamp or lamp post, or any gas pipe, or telegraph or telephone post, or telegraph or telephone wire, or without due authority shall light or extinguish any street lamp, or turn on the gas therein, or otherwise disturb or injure any gas pipe, gasoline lamp, telegraph post, wire or gas apparatus, to the injury or inconvenience of any other person, or body corporate or politic, shall be subject to a penalty of not less than five dollars.

ARTICLE 7.—GUNPOWDER, FIRES, FIRE-ARMS.

Section.

1. Where powder is to be kept.
2. Sign to be kept up.
3. Bringing in powder concealed.
4. Carrying carelessly in public.
5. In case of fire, to remove.

Section.

6. Firing in streets.
7. Depositing ashes.
8. Stacking straw.
9. Leaving or using fire in careless manner

696. § 1. The keeping for sale or selling of gunpowder, without a license therefor, is prohibited, and no license shall be issued allowing the keeping in store of more than twenty-five pounds of gunpowder at any one time, unless kept in some secure magazine or fire-proof powder-house, located at least one hundred feet from any other occupied building, and when kept in a store or place for retail, it shall be kept in tin or other metallic cannisters or cases, and in a part of the building remote from any fire, lamp, candle or burning matter, liable to produce explosion, and whoever shall violate this section, or any provision of it, shall be subject to a penalty of twenty dollars.

697. § 2. Every person licensed to sell gunpowder shall keep a sign with the words, "Gunpowder for Sale," in plain letters, in some conspicuous place in the front of the building where such powder is kept. And no sales of gunpowder, except in unopened cans, shall be made after night, and any person convicted of violation of any of the provisions of this section shall be subject to a penalty of ten dollars.

698. § 3. Whoever shall bring or cause to be brought into the city any gunpowder concealed in any box or other package marked as containing other articles, shall be subject to a penalty of twenty-five dollars.

699. § 4. The carrying of gunpowder through the streets or other public places in a careless or negligent manner, or the remaining with such powder in any public place longer than necessary for the transportation of the same from one place to another, shall subject the party offending to a penalty of not less than five dollars.

700. § 5. In case any building with gunpowder in it takes fire, the occupant or keeper thereof shall at once remove such powder to some safe place, and if unable to do so he shall at once notify the Mayor, or such officer or person as may be in command at the fire, of the location and quantity of such powder, and on failure to comply with the provisions of this section the party offending shall be subject to a penalty of fifty dollars.

701. § 6. Whoever shall, in the frequented streets or other inhabited part of the city, fire or discharge any cannon, gun, pis-

tol, or other fire-arm, or shall set off, fire or explode any torpedo, fire-cracker, fire-ball, rocket or other fire-works whatever, or shall make or kindle any bonfire, save as hereinafter permitted, shall be subject to a penalty of not less than three dollars. But the discharge of fire-arms, the setting off or exploding fire-works and the making of bonfires upon national holidays, and in the celebration of other public and general events, or the discharge of fire-arms by the members of a military company when on parade, and under orders of a commanding officer, or by any city officer or other person in the discharge of any duty or lawful act, and not tending to endanger the safety of any person or property, shall not be deemed a violation of this section. It shall be the duty of any person desirous of using and firing a cannon or other fire-works, or making bonfires on lawful occasions, to procure the special consent of the Mayor or City Marshal as to the time and place therefor, that the same may be done with the least interruption or danger.

702. § 7. No person shall deposit ashes in or near any building not fire-proof, wherein or whereby fire may be likely to ensue, nor in the streets, or elsewhere, uncovered and unprotected from the wind, or any combustible material, until every particle of fire is extinguished, and any violation of this section shall subject the offender to a penalty of not less than five dollars: *Provided*, ashes thrown into the street, or on open ground away from the thickly inhabited parts of the city, and not nearer than fifty feet to any other building or thing likely to take fire, shall not be deemed a violation of this section.

703. § 8. Whoever shall stack or deposit hay, straw, or other like combustible materials, not in any enclosed stable or building, and within fifty feet of any dwelling house or building where fire is kept, or shall strew or leave shavings, straw, paper, or other like combustible materials, around or near to any building or property likely to burn, or shall set fire to or burn on the open ground, and near to any building or dwelling, or set fire to any shavings, straw, paper, rubbish, or other combustible materials, or shall leave any fire in the open ground unextinguished after night, or shall boil any pitch, rosin, tar, oil, or other inflammable liquid or substance, except in some secure and safe building, duly protected against the danger of fire, or if in the open air at least thirty feet from any building likely to burn, or burn out any chimney or flue, unless when raining, or when the roofs and ground are covered with snow; the party so offending against any of the provisions of this section shall be subject to a penalty of not less than five dollars.

704. § 9. Whoever shall negligently, carelessly, or willfully

make, kindle, or leave, any coals or fire on any planked sidewalk or crossing, or any fire in the open air, or exposed place, or carelessly or negligently carry burning coals or other matter from which the flying sparks may be liable to do injury or set fire to other things, or shall leave, deposit or use any hot ashes, or other dangerous or combustible or inflammable thing or material, or carry any light, not protected by a secure lantern, into any stable or building containing straw or other combustible material, or any lighted lamp, candle, gaslight or burning matter, at such a time or in such a manner as to cause or endanger injury to any building or property thereby, shall be subject to a penalty of not less than five dollars.

ARTICLE 8.—MISCELLANEOUS PRACTICES.

Section.

1. Possessing burglars' tools, etc.; penalty.
2. Amusements, etc., on streets; penalty.
3. Injuring fences, etc.; penalty.
4. Throwing rubbish, etc., in streets; penalty.
5. Obstructing water in street or sewer, etc.; penalty.
6. Defacing public buildings, etc.; penalty.
7. Throwing stones in street; penalty.
8. Throwing fruit, rind, or peel on sidewalk; penalty.
9. Obstructing post office and public places; penalty.
10. Removing sods from streets; penalty.
11. Who are vagrants; penalty.
12. Exhibiting stallion, etc.; penalty.
13. Keeping house of prostitution; penalty.
14. Indecent exposure, etc.; penalty.
15. House of ill-fame; declared a nuisance.
16. Who are inmates of.
17. Selling, etc., of lewd books, etc.; penalty.
18. Indecent act; abusive language, etc.; penalty.
19. Disturbing religious or other public assembly; penalty, etc.

Section.

20. Jumping on cars, etc.; penalty for.
21. Throwing water in street or gutter; penalty for.
22. Stands, etc., upon sidewalk; penalty.
23. Leaving unhitched team in street; penalty for.
24. Driving upon and over hose; penalty.
25. Drawing off or filling cess-pool, etc.; penalty.
26. Unhealthy meat, etc.; penalty for selling.
27. Cleansing slaughter house; penalty.
28. Board of Health to inspect.
29. Fruits, etc., to be sold by bushel or part thereof; penalty.
30. False alarm of fire; penalty.
31. Using fire apparatus for private use; penalty.
32. Injuring fire apparatus; penalty.
33. Spreading small-pox; penalty.
34. Selling poison without label; penalty.
35. Obstructing Cedar Fork or other natural drain.
36. Games of chance—sales by; penalty, etc.
37. Peddlers—offensive conduct of; penalty.
38. Accessory made principal.
29. Court trying cause to apportion penalty for violation of ordinances.

705. § 1. It shall be unlawful for any person to have in his possession any nippers of the description known as burglars' nippers, pick-lock, skeleton key, key to be used with bit or bits,

jimmy or other burglar instrument or tool of whatsoever kind or nature, unless it be shown that such possession is innocent, or for a lawful purpose, under the penalty of not less than one hundred dollars.

706. § 2. No person shall engage in any game, sport, amusement, or exhibit any machine, or show any animal, or indulge in any acrobatic feats, or do anything else in the streets or upon the sidewalk which shall have a tendency to frighten horses, or which shall collect any crowd of persons so as to interfere with the passage of teams or vehicles, or persons passing along the streets or sidewalks; and any person violating this section shall be subject to a penalty of not less than three dollars for each offense.

707. § 3. No person shall wantonly mar, injure, deface or destroy any fence, sign-board, or sidewalk in any street or public place in the city, under a penalty of not less than one dollar for each offense.

708. § 4. No person, except under instructions from the Superintendent of Streets, shall throw, cast or put into, drop or leave in any street, alley, lane or public place, or in any public uninclosed grounds, any stones, glass, iron or other metals, or any straw, paper, parings of fruit or vegetables, or any rubbish of any sort, under a penalty of not less than one dollar for each offense.

709. § 5. No person shall stop or obstruct the passage of the water of any street, gutter or public sewer, culvert, water pipe or hydrant laid by the city, under a penalty of not less than five dollars.

710. § 6. No person shall cut, injure, mark or deface any public building belonging to the city, or any tree, grass, shrub or walk, in any public square or park, under a penalty of not less than two dollars.

711. § 7. No person shall throw or cast any stone or other missile in, from or to, any street, public place, or inclosed ground, under a penalty of not less than one dollar, nor more than fifty dollars for each offense.

712. § 8. No person shall cast, throw, lay or place on any sidewalk in this city, the rind or peel of any orange, banana, apple, or other fruit, under a penalty of not less than one dollar for each offense.

713. § 9. No person shall obstruct or encumber any street corner, sidewalk, the post-office, or other public place in the city, by lounging in or about the same; and after being requested to move on by any police officer, and refusal to do so, the person so offending shall be subject to a penalty of not less than five dollars for each offense.

714. § 10. No person shall dig, cut or remove any sod or earth from any street or other public place within the city, without a permit from the Superintendent of Streets, under a penalty of not less than five dollars for each offense.

715. § 11. All idle persons who, not having visible means of support, live without lawful employment; all persons habitually and idly loitering about, or wandering abroad and visiting or staying about drinking saloons, houses of bad repute, gambling houses, or railroad depots, or lodging in out houses, sheds, barns, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets or other public places to beg or receive alms, shall be deemed vagrants, and upon conviction shall be subject to a penalty of not less than five dollars.

716. § 12. No person shall indecently exhibit any stud horse, jack or bull, or let any such horse or jack to any mare or mares, or any bull to any cow or cows, within the limits of this city, unless in some enclosed place out of public view, under a penalty of not less than ten dollars.

717. § 13. No person shall keep or maintain, or be an inmate of, or in any way be connected with, or in any way contribute to the support of any house of ill-fame, or any house reputed to be a house of ill-fame or assignation, under a penalty of not less than one hundred dollars for each offense: *Provided*, that in the case of inmates of such house the penalty upon the first conviction hereunder may be fixed in any sum not less than fifty dollars.

718. § 14. Any person appearing in a public place in a state of nudity or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or who shall make any indecent exposure of his or her person, or shall be guilty of any lewd or indecent act or behavior, shall be subject to a penalty of not less than twenty dollars.

719. § 15. Every house of ill-fame or house of assignation, where men and women resort for the purpose of prostitution, is hereby declared to be a nuisance.

720. § 16. Every person found in any house of ill-fame or assignation, or in a house reputed to be a house of ill-fame or assignation, shall be considered an inmate within the meaning of section thirteen of this article.

721. § 17. No person shall exhibit, sell, or offer to sell or distribute, any indecent or lewd book, picture, or other thing whatever of an immoral or scandalous nature, nor shall any person exhibit or perform any indecent, immoral or lewd play, or

other representation, under a penalty in either case of not less than twenty-five dollars.

722. § 18. Any person who shall commit any indecent, lewd or filthy act in any place in the city not specially provided for that purpose, or shall utter any lewd or filthy words, or use any threatening or abusive language in the hearing of other persons publicly, shall be subject to a penalty of not less than five dollars.

723. § 19. Any person who shall willfully disturb any congregation or assembly met for religious worship or for any other lawful purpose, by making any noise, or by rude and indecent behavior, or profane talking within their place of worship or assembling, or so near the same as to disturb the order of the meeting, shall be subject to a penalty of not less than ten dollars.

724. § 20. No person shall get upon or off, or attempt to get upon or off any locomotive engine, tender, car, or train of cars, or any platform or step thereof, while the same or either of them are in motion, without express permission to do so first obtained from those in charge thereof, and any person violating this section shall be subject to a penalty of not less than three dollars.

725. § 21. No person shall throw or deposit any water or other liquid in any part of any street, alley or lane, or public place, except in the side gutter thereof under a penalty of not less than two dollars for each offense.

726. § 22. No person shall use any sidewalk, street or other public place in the city for the sale of any fruit, notions, or other merchandise, without the written consent of the Mayor first obtained, and the Mayor shall require the written consent of all persons owning the premises in front of which it is proposed to locate under such permission. Any violation of this section shall subject the offender to a penalty of not less than three dollars for each offense.

727. § 23. It shall not be lawful for any person to leave a horse or team standing in the streets of this city without being properly and safely tied. A violation of the provisions of this section shall subject the offender to a penalty of not less than three dollars.

728. § 24. Whoever, while hose belonging to the city shall be stretched or laid upon the ground, shall drive or ride over and upon said hose, such person not being in the performance of his duty in connection with the fire department, shall be subject to a penalty of not less than five dollars.

729. § 25. No person shall draw off or allow to run off any ground, street or place of said city the contents or any part thereof, of any vault, privy, cess-pool or sink. Nor shall any

owner, tenant or occupant of any building to which any vault, sink, privy or cess-pool, shall appertain or be attached, permit the contents or any part thereof to flow therefrom or to rise within two feet of any part of the top, or said contents to become offensive. And no privy or other erection mentioned in this section shall be filled or covered with dirt until its filthy contents shall be emptied. The violation of this section shall subject the offender to a penalty of not less than five dollars.

730. § 26. No meat, fish, birds, fowl, vegetables, or milk, not then being healthful, fresh, sound, wholesome and safe for human food, shall be brought into this city for the purpose of sale, or offered or held for sale in public or private market as food, under a penalty of not less than ten dollars.

731. § 27. Every butcher and every person owning, leasing or occupying any place, room, or building where cattle, hogs, or other animals are slaughtered, shall cause such place, room or building and their yards and appurtenances to be thoroughly cleansed of all blood, offal, fat, garbage, refuse, and any and all unwholesome matter, at least once in every twenty-four hours after its use for the purposes herein referred to. And any person violating this section shall be subject to a penalty of not less than five dollars.

732. § 28. Every butcher, grocer, milkman and their clerks and agents shall allow the Board of Health, or any member thereof, or any person authorized by the Board, to freely and fully inspect their cattle, meats, milk, fish, fruit and vegetables held, offered or intended for sale, and will be expected to answer all reasonable questions in relation to the condition thereof, and of the places where such articles may be. And any person violating this section shall be subject to a penalty of not less than five dollars.

733. § 29. All fruits, vegetables and groceries of every description that are usually sold by measure, shall be sold by the bushel, or in aliquot parts of a bushel. And every person keeping or offering for sale any such articles in packages or boxes not representing and containing an aliquot part of a bushel, shall be fined in a sum not less than five dollars for each offense.

734. § 30. Whoever shall knowingly or willfully make any false alarm of fire, either by the voice or the ringing of bells, or any false cry for assistance, or shall willfully hinder, delay or obstruct any officer, fireman or other person, in the discharge of his duty in the suppression of any fire, or about any other matter of duty, shall be subject to a penalty of not less than five dollars.

735. § 31. No person shall use any fire engine, hose or apparatus belonging to the city or any fire company, for any private purpose, nor remove the same from its proper custody or deposit,

and no person having the custody thereof shall permit it to be used for any private purpose, and the party violating any of the provisions of this section shall be subject to a penalty of not less than five dollars.

736. § 32. Whoever shall willfully, maliciously or negligently break, deface, destroy or otherwise injure any fire engine, hose, or other fire apparatus, belonging to the city or any fire company, or shall remove any screws, bolts, or parts thereof, shall be subject to a penalty of not less than twenty dollars.

737. § 33. Any person having or having had small-pox, or other like malignant and infectious disease, who shall go about in any public place, before, in the opinion of the Commissioner of Health, he shall be past all danger of giving the disease to others, shall be subject to a penalty of not less than twenty-five dollars. Any person attending or being about any other person having the small-pox or other like infectious disease, who shall not change or purify his wearing apparel before going into any public place, or shall otherwise conduct himself as to endanger the spreading of the disease or the giving of it to others, shall be subject to a penalty of not less than twenty-five dollars.

738. § 34. Whoever shall keep, sell or deliver any poison or drug known or used as a deadly poison, without legibly marking the name thereof, and the word "*Poison*," upon the phial, wrapper, or other enclosure containing the same, or shall sell or deliver any arsenic, strychnine, prussic acid, or other poison, usually known as a deadly poison, to any person known to him, without registering the name of such person, and the kind and quantity of the thing sold or delivered, and the purpose for which it was obtained, or shall sell or deliver any such poison to a person unknown to him, shall be subject to a penalty of not less than five dollars in each case. But the sale or delivery of such poison as a medicine, upon the prescription of a practicing physician, shall not be deemed a violation of this section.

739. § 35. Whoever shall, without permission of the City Council, obstruct, fill up, or change the channel of Cedar Fork, or any of the branches thereof, or any other natural drain within the city, or any other open drain in any street or alley, whether by digging, filling with earth, or by throwing or leaving in the same any brush, straw, paper, or rubbish or other matter of any kind, shall be subject to a penalty of not less than ten dollars, and a like penalty for each day's continuance thereof after due notice to remove or remedy the same.

740. § 36. Each and every sale made by any person whether for his own gain or as agent for any person or corporation for private gain, wherein any part of the article received or to be

received by the purchaser, either as to quality or value, shall in any manner depend upon any chance, whether by means of checks, envelopes, numbers, cards, dice, or by any other means whatever, is hereby declared to be unlawful, and any person offending against the provisions of this section shall be subject to a penalty of not less than twenty-five dollars.

741. § 37. Whoever, as a peddler, shall enter any private dwelling without being admitted into the same, or shall insist upon the showing or sale of his goods or wares to any person after being requested not to do so, or shall annoy any person by importunities to purchase, or shall obstruct any sidewalk or street by the opening of his goods and wares, drugs or other things, shall be subject to a penalty of not less than three dollars for each offense, and the forfeiture of his license in the discretion of the Mayor or City Council.

742. § 38. Whoever shall aid, abet, or encourage any unlawful act, or violation of any ordinance of the city, shall be deemed a principal and subject to a penalty for the commission of such offense.

743. § 39. It shall be the duty of the court before whom suits for violations of the city ordinances may be tried, to apportion the penalty according to the degree or character of the offense not less than the least sum that may be provided for each offense, nor more than two hundred dollars.

CHAPTER XXX.

NUISANCES.

Section.

1. Premises in filthy condition declared nuisance; penalty for maintaining.
2. Offensive liquid flowing from premises; nuisance.
3. Nuisances to be abated. Method of abatement, etc.
4. Stagnant water a nuisance.
5. Dilapidated wooden structure in fire limits a nuisance.

Section.

6. Dangerous buildings a nuisance.
7. Cattle pens, stock yards, etc.; when filthy a nuisance.
8. Scaffolds to be safely constructed; penalty.
9. Other nuisances; suppression of.
10. Clerk to publish notice.
11. Officer to abate, etc., and report to Council.

744. § 1. Any premises or part thereof, which may be nauseous or offensive to any person or family residing near the same, or persons passing along any street or alley near the same, or which may be in such a condition as to be detrimental or obnoxious to the public health or comfort, shall be deemed a nuisance;

and any owner or occupant of such premises, who shall neglect or refuse to abate such nuisance, after notice thereof by the Superintendent of Streets, the Marshal, or any policeman, or any member of the Board of Health, shall be subject to a penalty of not less than three dollars for each day he shall so neglect or refuse.

745. § 2. Any nauseous, foul, offensive, or putrid liquid or substance, or any liquid or substance likely to become nauseous, foul, offensive, or putrid, which may be discharged, placed or thrown, or flow from or out of any premises, into any street or alley, or into or upon any adjacent premises, is hereby declared a nuisance; and whoever shall permit any such nuisance to be discharged, or to flow from or out of any premises owned or occupied by him or under his control, into any street or alley, or into any adjacent premises, shall be subject to a penalty of not less than three dollars for each day he shall not abate, remedy or remove the same, after notice thereof by the Superintendent of Streets, the Marshal, any policeman or any person aggrieved thereby.

746. § 3. When any nuisance or any thing likely to become a nuisance, may be found upon any premises, the owner, occupant, or agent of such premises shall be notified by the Marshal or any policeman in writing to abate the same; and if such owner or his agent or occupant, whose duty it is to abate such nuisance, shall not within twenty-four hours thereafter comply with such notice, he shall be subject to a penalty of not less than three dollars, and the officer shall proceed without delay to bring suit in the name of the city against the person liable therefor, for the penalty hereby imposed.

747. § 4. Any lot or premises upon which stagnant water may be standing so as to become or be likely to become putrid, foul or offensive, or detrimental to the health and comfort of persons residing in the neighborhood thereof, is hereby declared a nuisance.

748. § 5. Any wooden building or wooden part of any building in the fire limits, which may be situated within thirty feet of any contiguous building, and which shall be so dilapidated and out of repair as to be untenable, is hereby declared to be a nuisance.

749. § 6. Any building, or erection, or part thereof, which shall be in danger of falling, or otherwise in such a condition as to endanger the safety of persons passing under or near the same, or residing adjacent thereto, or to endanger any property contiguous thereto, is hereby declared to be a nuisance.

750. § 7. All cattle-pens, stock lots, stock yards, chutes and places used for receiving, or loading or unloading, or quartering

or shipping any horses, mules, cattle, hogs or sheep, which are detrimental and obnoxious to the health or comfort of persons residing in the neighborhood of the same, by reason of the filthy condition thereof, are hereby declared to be nuisances.

751. § 8. All scaffolds or other erections used in the construction of any building, shall be made secure and sufficiently wide to insure the safety of persons working thereon or passing under the same, against the falling thereof, or of materials that may be placed thereon. Any scaffold or other erection which may be otherwise constructed, shall be deemed a nuisance, and whoever shall erect or use any such insecure or dangerous scaffold or other erection, shall be subject to a penalty of not less than ten dollars.

752. § 9. When the existence of any nuisance other than those herein specifically set down, not coming within the province of the Board of Health as provided by chapter XIX. of this ordinance, shall in any manner come to the knowledge of the City Council, the subject shall be referred to an appropriate committee, which committee shall at once proceed to make examination of the locality and character of the supposed nuisance, and make immediate report to the Council of the condition thereof.

753. § 10. Upon the passage of any order by the City Council for the abatement of any nuisance in this chapter mentioned, the City Clerk shall cause the same to be published once in any newspaper published in the city, which publication shall be deemed and taken to be a sufficient notice to all persons interested therein. If any person, being the owner or occupant, or having the control of the premises named in such order, shall neglect or refuse to obey the same by abating the nuisance therein named in some effectual manner, within the time therein specified, every such person so offending shall be subject to a penalty of not less than twenty dollars.

754. § 11. Upon the expiration of the time limited in any such order for the abatement of such nuisances by the owner, occupant or person having control of the premises, the City Clerk shall make out a copy of the order, certifying to its authenticity and its due publication, under his official signature, and the seal of the city, and shall at once deliver such certified copy to the officer therein required to execute the same; which officer shall at once proceed to execute the said order of the Council in the most speedy and effectual manner, and shall thereupon make a written endorsement upon such certified order, of his doings by virtue thereof, including therein a particular account of the costs and expense of performing the same; and shall return to the Council, as soon as may be, the said order with his said endorsement thereupon, as his report.

CHAPTER XXXI.

OFFICIAL AUTHORITY.

Section.

1. Assisting prisoner to escape, etc.; penalty for.
2. Abusing, supplying liquor to prisoner, etc.; penalty for.

Section.

3. Fraudulent receipt of city officer; penalty for.

755. § 1. Whoever shall rescue or attempt to rescue any person from the custody of an officer or any person having such person legally in custody, or shall molest or interfere with any officer or person so having any person in custody, or shall in any manner aid, abet or encourage the rescue or escape, or the attempt to escape from imprisonment or custody of any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon, or with any implement or means of escape, or for attempting to escape, or shall aid, abet or encourage any other person to perform any one of the acts hereinbefore mentioned and forbidden, shall be subject to a penalty of not less than twenty-five dollars.

756. § 2. The keeper of the prison shall treat all persons committed to his charge with kindness and humanity, and if he shall unnecessarily assault, abuse or maltreat any person in his custody, or shall knowingly suffer it to be done by others, or shall supply any person in custody with intoxicating liquors as a beverage, or knowingly suffer it to be done by others, or be guilty of any lascivious behavior or other improper conduct toward any female in his custody, or knowingly suffer or permit others to be guilty thereof, whether with or without her encouragement or permission, or shall fail to supply each and any person in his custody with a sufficient quantity of wholesome food and drink, at reasonable and proper intervals, or shall fail to supply each and any person in his custody with sufficient and comfortable bedding, he shall in each case be subject to a penalty of not less than twenty-five dollars, and any other police officer, making like arrests, or having like custody of any person charged with any crime or misdemeanor, who shall be guilty of any like acts of abuse or cruel or improper treatment, or neglect of duty towards any person so in custody, or under arrest, shall be subject to a like penalty of twenty-five dollars.

757. § 3. Any city weigher or inspector, or other police or civil officer, who shall give any false or fraudulent certificate of weight, or any other matter or thing, to the prejudice of the city,

or contrary to the truth and to the duty of such officer in that behalf, shall on conviction be subject to a penalty of not less than ten dollars.

CHAPTER XXXII.

OFFICIAL BONDS.

Section.

1. Officers of city shall give bonds.
2. Condition of, etc.

Section.

3. City officers shall not be bondsmen for each other.
4. Amount of several bonds.

758. § 1. The several city officers, except aldermen, shall, before entering upon the discharge of the duties of their office, give bond to the City of Galesburg, in the sum hereinafter named for their respective offices, which bonds shall be signed by the principal thereof, with good and sufficient securities to be approved by the City Council.

759. § 2. The bond of each such officer shall be conditioned that he will faithfully execute the duties of his office, and account for, pay over and deliver according to law, all moneys and other property received by him on account of the city.

760. § 3. No member of the City Council or officer of the city shall be received as surety on the official bond of any city officer.

761. § 4. The several city officers hereinafter named shall give bonds as herein provided, as follows:

The Mayor in the sum of three thousand dollars.

The City Clerk in the sum of one thousand dollars.

The City Attorney in the sum of one thousand dollars.

The City Treasurer in the sum of sixty thousand dollars.

The City Engineer and Surveyor in the sum of one thousand dollars.

The City Superintendent of Streets in the sum of one thousand dollars.

The City Physician in the sum of one thousand dollars.

The Poormaster in the sum of one thousand dollars.

The City Marshal in the sum of one thousand dollars.

The Commissioner of Health in the sum of one thousand dollars.

The Superintendent of Street Lighting in the sum of one thousand dollars.

The Inspector of Wood and Coal in the sum of five hundred dollars.

The Sealer of Weights and Measures in the sum of five hundred dollars.

The Inspector of Mineral Oils in the sum of five hundred dollars.

CHAPTER XXXIII.

PARK COMMISSIONERS.

Section.

1. Establishing Board of Park Commissioners.
2. How continued.

Section.

3. Shall serve without compensation.
4. Shall have control of public grounds.
5. Expenditures of : how made.

762. § 1. There shall be a Board of Park Commissioners, to consist of six persons, to be styled "The Board of Park Commissioners of the City of Galesburg." Such persons shall be appointed by the Mayor, with the advice and consent of the City Council, and shall hold their offices for the term of three years from their appointment and confirmation by the City Council, and until their successors are appointed and qualified.

763. § 2. The Board of Park Commissioners, as heretofore constituted, is hereby recognized and shall be continued as follows: Two of said Park Commissioners shall be appointed by the Mayor during the month of April in each year, who shall take the place of the two outgoing Park Commissioners.

764. § 3. Such Board of Park Commissioners shall serve without compensation and shall perform the duties herein provided for, and such other duties as shall from time to time be imposed upon them by ordinance.

765. § 4. Such Board of Park Commissioners shall have the supervision and control of all parks and public grounds, and with the consent of the Board of Education of the City of Galesburg, of all grounds surrounding public school buildings, and shall expend such sum or sums of money as shall from time to time be appropriated by the City Council or the Board of Education for such purposes, in enclosing said parks and public grounds, and when necessary in laying out and constructing drives in said parks and public grounds, in setting out, protecting and trimming trees, in laying out and furnishing walks, lawns and ornamental plats in such parks, public grounds and grounds surrounding said

public school buildings, and in such other manner as shall be deemed by said Commissioners necessary in beautifying, improving, protecting and adorning such parks, public grounds and school house premises : *Provided, however,* that in the powers conferred by this chapter over grounds surrounding public school buildings, the Board of Education of the City of Galesburg shall be associated with such Board of Park Commissioners, and shall have an equal voice and vote with said Board of Park Commissioners : *And provided, further,* that no money that may be appropriated by said Board of Education for the purpose aforesaid shall be expended except in and upon the grounds surrounding such public school buildings.

766. § 5. Said Board of Park Commissioners shall organize immediately after the annual appointment and confirmation of the new members by electing from their members a president, secretary, financial secretary and such committees and other officers as said Board shall deem necessary or expedient, said officers to hold office for the term of one year and until the election of their successors. All orders upon the City Treasurer for the payment of money expended under the provisions of this chapter shall be signed by the president and financial secretary of such Board, and shall be presented to the City Clerk at his office on or before the first Monday of each month, when and where they shall be signed by the Mayor and countersigned by the City Clerk ; and said Board of Park Commissioners shall, through their president, make quarterly reports to the City Council and Board of Education of the proceedings of said Board of Park Commissioners during the preceding quarter.

CHAPTER XXXIV.

PARKS.

Section.

1. Auction or other sales upon prohibited.

767. § 1. It shall be unlawful for any person or persons, by themselves or agents, to offer for sale at auction or otherwise, any goods, wares, merchandise or other property, in or upon any enclosed park or square belonging to the city, or so near the same as to cause it to be occupied to the detriment thereof. And any person or persons violating the provisions of this section shall be subject to a penalty of not less than five dollars: *Provided, however,* that it may be lawful to use the city wood and coal yard for the purposes hereinbefore enumerated.

CHAPTER XXXV.

PARKS AND PUBLIC GROUNDS.

Section.

1. Shall cross parks at usual places.
2. What forbidden in parks.
3. Who may arrest.

Section.

4. Penalty for violation.
5. Park to be opened for public, etc.

768. § 1. No person shall enter or leave any of the public parks of this city except by the usual gateways or passage ways; and no person shall in crossing any such park walk outside of the paths and walks made or designated by the Park Commissioners for that purpose.

769. § 2. All persons are forbidden to lie down upon the grass in any such park, or to throw within it any stones or missiles, or commit any nuisance therein.

770. § 3. Any person authorized by the ordinances to make arrests shall have power to arrest any person who shall not desist from a violation of this chapter when directed.

771. § 4. Any person violating the three preceding sections shall be subject to a penalty of not less than five nor more than twenty-five dollars.

772. § 5. The Board of Park Commissioners, shall on at least two half days in each week, cause certain portions of the city parks, to be designated by said Board, to be opened for the use and enjoyment of the public: *Provided, however,* that in cases of stormy or muddy weather such privilege shall not be granted.

CHAPTER XXXVI.

PERSONATING AN OFFICER.

Section.

1. Personating an officer; penalty for.

Section.

2. Resisting officer; assisting in escape, etc.

773. § 1. Whoever falsely assumes or pretends to be the City Marshal, a police officer, special constable, constable or any other officer of the city, or county of Knox, or takes upon himself to act as such, or to require any person to aid or assist him in a matter pertaining to the duty of any such officer, or shall, without due authority, wear any star, badge or other mark purporting to be that of a police officer, or other officer of the city, or of said county, or who shall aid, abet, or encourage any other person to do any of the foregoing acts, or to perform any official act without due authority, shall be subject to a penalty of not less than ten dollars.

774. § 2. Whoever shall knowingly and willfully assault, beat, obstruct, resist, hinder, delay or oppose any police officer or other conservator of the peace of the city, or any person aiding such officer in the discharge of any official duty, or shall refuse or neglect to obey any lawful order or direction of such officer, or shall refuse or neglect to aid and assist such officer in taking or arresting or securing any person subject to be arrested in accordance with any ordinance of the city or criminal law of the State, or shall neglect or refuse to aid in retaking or securing any person, who, having been lawfully arrested or confined as aforesaid, may have escaped from such arrest or imprisonment, or shall neglect or refuse to aid and assist in preventing any breach of the peace, or the commission of any criminal offense, being thereto lawfully required by any police officer, special constable or other conservator of the peace, shall be subject to a penalty of not less than ten dollars.

CHAPTER XXXVII.

PEACE AND GOOD ORDER.

Section.

1. Loitering about churches, etc., forbidden; penalty.
2. Disorderly conduct, threats, etc.; penalty.

Section.

3. Places of amusement, etc.; rules for.
4. Encouraging dog-fighting, etc.; penalty.

775. § 1. It shall be unlawful for any person unnecessarily to loiter about the doors or entrance of any hall, church, or other public building, to the inconvenience of those passing in and out, and any person so loitering or standing about, after being commanded — by any person in charge of any such hall, or other public building, or officers or ushers of any such church or place of worship — to move on, who shall refuse so to do, shall be subject to a penalty of not less than five dollars.

776. § 2. Whoever shall assault, strike or beat another, or by mutual agreement fight another, or shall disturb the public peace by any violent, tumultuous, offensive or disorderly conduct, or shall be guilty of any act, language, or conduct calculated to provoke a breach of the peace, or shall conduct himself in a riotous or disorderly manner at any place of exhibition or amusement, or shall heedlessly or willfully disturb any assembly met for religious worship, or any assembly met for any purpose, shall be subject to a penalty of not less than three dollars.

777. § 3. Any keeper of a place of amusement who shall suffer or permit any minor to frequent or loiter about the premises occupied by him, or to play any game therein without the written consent of the parent or guardian of such minor, or shall suffer any loud or boisterous talking, or any obscene or profane language, or any quarreling, fighting, or other disturbance in or about such place of amusement, or in any place adjacent thereto under his control, or shall suffer or permit any playing or amusement, or assemblage of persons therein or thereabout on Sunday or Sunday night, or shall suffer or permit such place of amusement to be kept open later than eleven o'clock, p. m., at any time of year, and any keeper or proprietor of any dram shop who shall suffer or permit any minor to loiter about the premises occupied or controlled by him, or to drink therein, without the previous written consent of the parent or guardian of such minor, or shall suffer any loud noises, boisterous talking, profane or obscene language, quarreling or fighting, or other disturbance, in his dram shop, or shall suffer or permit any person to have access to or to drink at and in said dram shop on Sunday or Sunday

night, or shall fail to close up and debar all access into said saloon after the hour of eleven o'clock p. m., shall for a violation of any of the provisions of this section, be subject to a penalty of not less than twenty-five dollars.

778. § 4. Whoever shall, by gesture or otherwise, encourage dogs to fight or to continue fighting, shall be subject to a penalty of not less than three dollars. The police officers shall suppress all dog-fighting, and arrest the parties encouraging the same.

CHAPTER XXXVIII.

POLICE MAGISTRATES.

Section.

1. Establishing number of Justices, etc.

779. § 1. There shall be one Police Magistrate and three Justices of the Peace in this city and no more.

CHAPTER XXXIX.

PRIVATE DRAINS.

Section.

1. Permit of Mayor necessary for.
2. City Engineer to approve plans for.

Section.

3. Council to grant permission in case of special assessment.
4. Penalty for violation.

780. § 1. It shall not be lawful for any person to construct, or cause or permit to be constructed, any private drain or sewer leading into any sewer built by the city, except by special permit from the Mayor, and under the supervision of the Superintendent of Streets.

781. § 2. No such permit shall be granted except after the submission of plans for such drain and connection approved by the City Engineer; and the construction of such drain and connection shall conform to such plans.

782. § 3. Nor shall any such permit be granted to connect any premises with any sewer built by the city, either wholly or partially by special assessment, unless such premises were assessed for the construction of such sewer, and the assessment thereon duly paid; except after application made to the City Council, and approval by the Council.

783. § 4. Whoever shall violate any of the provisions of this chapter shall be subject to a penalty of not less than ten dollars for each offense, and shall be also subject to the payment of all damages that may be done by such violation.

CHAPTER XL.

PORTERS AND RUNNERS.

Section.

1. Hotels, etc., to have but one runner.
2. Runners shall wear badge, etc.
3. Shall solicit passengers on grounds furnished by R. R. Co.

Section.

4. Shall post ordinance in conveyance.
5. Penalty for violation.
6. Policemen to attend trains.

784. § 1. It shall be unlawful for any hotel, or any hack, omnibus or other vehicle for carrying passengers or baggage, to have more than one runner or porter on the grounds of any railroad company whose depot is located within the limits of this city, to solicit passengers or baggage. The proprietor of any hotel, hack, omnibus, or baggage wagon, if engaged in soliciting passengers or baggage, shall be considered a runner, and subject to the following rules and regulations:

785. § 2. Every runner or porter is required to wear a metallic badge exposed to view, bearing the name of the house if any, and name or number of the hack, omnibus, baggage wagon or other vehicle which he represents; and each proprietor shall be responsible for the acts of his runner or porter.

786. § 3. It shall be unlawful for any runner, porter or other person to solicit passengers or baggage on the depot grounds at any other place than that provided for such purposes by the company having control of the grounds, and then not in a boisterous tone of voice.

787. § 4. The owner or driver of any hack, omnibus or other public conveyances shall at all times, keep posted in a conspicuous place inside their respective conveyances a printed copy of section 13 of chapter XXVII. of this ordinance.

788. § 5. Whoever shall violate any of the sections of this chapter shall be subject to a penalty of not less than five dollars.

789. § 6. The City Marshal, or some policeman, shall attend the arrival and departure of all passenger trains, and preserve peace and good order, and arrest all persons found violating this chapter with or without warrant.

CHAPTER XLI.

PRIVY VAULTS.

Section.

1. Consent necessary for digging.

Section.

2. Penalty for maintaining.

790. § 1. No person shall dig or procure to be dug any privy vault on any lot within this city within sixty feet of any dwelling house or well, without having first procured the written consent of the Commissioner of Health.

791. § 2. Any person violating this chapter shall be subject to a penalty of not less than five dollars; and shall, upon the order of the Commissioner of Health, at once fill up such privy vault, first removing the filthy contents thereof; or in default of so doing shall be subject to a penalty of not less than two dollars for each day's neglect or refusal to do so.

CHAPTER XLII.

PUBLIC HALLS.

Section.

1. Buildings to be provided with ladders and supplied with hose.
2. Doors to swing outward.
3. Fire extinguishers in halls, hotels and school buildings.
4. Firemen to attend entertainments.
5. Stairways in public halls—hand-rallings.
6. Exits from public halls—size and number of.
7. Galleries to have exit at each end—size and manner of construction.
8. Stairways in hotels and lodging houses—to be at opposite ends—size, etc.
9. Lodging rooms to be supplied with rope, etc.
10. Keepers of hotels and lodging rooms to employ watchmen—regulations.
11. Board of Fire Commissioners—how constituted—no compensation.

Section.

12. City Clerk to act as Clerk of Board—no compensation.
13. City Marshal to execute orders, etc., of Board—no compensation.
14. Board of Fire Commissioners to inspect buildings and plans—majority a quorum.
15. Board of Fire Commissioners to notify parties to properly construct buildings, etc.
16. Penalty for failure to comply with orders of Board, in buildings already constructed.
17. Penalty for failure to comply in cases of buildings in process of erection.
18. Examination of chimneys—manner of conducting—order—penalty for violation.
19. Examinations on complaint—notice—penalty.
20. Penalty for violations of sections.

792. § 1. All buildings of three or more stories in height shall be provided with one or more metallic (iron) ladders, with stand pipe hose attached (of three inch calibre), extending from within ten feet of the ground or walk to the roof, with proper caps

or cases, and supplied with at least fifty feet of two and one-half inch hose, attached and attachable at the top of stand pipe. The numbers, location and construction to be under direction of the Board of Fire Commissioners.

793. § 2. All doors of public halls, theatres, hotels, churches, seminaries, school buildings or other rooms, wherein crowds of people occasionally assemble, shall be made to swing outward.

794. § 3. Every theatre, public hall, hotel, seminary and school building shall, within thirty days after notice by the Board of Fire Commissioners, be provided with fire extinguishers, in such numbers and of such size and capacity as may meet the approval of the Board of Fire Commissioners.

795. § 4. The Chief Engineer of the Fire Department shall detail two efficient firemen of the City Fire Department to attend at each theatre and public hall during every public entertainment therein, and remain on duty there during and until the audience passes out at the close of such entertainment. It shall be the duty of such firemen at all times to see to it that all fire preventing and fire extinguishing apparatus provided for such hall or theatre is at all times in good working order and condition. The Chief Engineer of the Fire Department may temporarily withdraw such firemen from the building in case he requires their services elsewhere at a fire.

796. § 5. No stairway to any theatre or public hall hereafter to be erected, shall rise more than ten feet without a platform, and no winders, wheeling or circular steps shall be used. Each stairway and passage way, shall have a strong hand rail on each side thereof through its entire length.

797. § 6. Every theatre or public hall hereafter to be erected with accommodations for five hundred or more persons shall have at least two separate and distinct exits, to be as far apart as may be found practicable. Those accommodating seven hundred or more persons shall have at least three separate and distinct exits. The exits from all galleries shall be independent of and separate from the exits of the main floor. The egress, openings and stairways shall in no case be less than five feet wide, nor aggregate a less proportion than eighteen inches for each one hundred persons such theatre or public hall may accommodate.

798. § 7. Every public hall heretofore erected having a gallery on one or more sides thereof, kept for use at public entertainments, shall, within thirty days from the passage of this ordinance, be provided with at least one stairway four feet wide upon each side so occupied, leading from the gallery at the end opposite the principal entrance to such gallery, down to the main floor of the hall. Every such public hall shall also have a stairway not less

than six feet wide, leading from the end of the hall opposite the main entrance to the floor of the story below, or to the street walk. In case such stairway opens onto and terminates on the floor of the story below the hall, it shall open into a hallway not less than eight feet in width leading to and opening onto a straight stairway not less than eight feet in width leading directly to the street or alley. Such stairways and exits shall be firmly and substantially constructed, and at all times kept in safe and excellent condition, affording safe and convenient means of exit in case of fire alarm, and constructed and maintained as directed by the Board of Fire Commissioners from and after thirty days from the passage hereof, and in default thereof the hall shall be closed during such non-compliance.

799. § 8. No hotel or other building more than two stories in height shall be used for lodging persons or used as lodging rooms above the second story thereof, unless and until each floor is provided with at least two stairways of such width as the Board of Fire Commissioners may determine, safely and substantially constructed and kept, affording safe and convenient means of exit from such building at all times. Such stairways shall be situate as nearly as may be at opposite ends of such building with especial regard to safe egress of all persons in such building in case of fire and at all times.

800. § 9 Every lodging room above the second floor in any building, shall, previously to being occupied as such, be provided with a good and sufficient rope of not less than one-half inch in diameter at all times firmly attached to a beam, post or timber in the room, and of sufficient length to reach from the window of such bed room to the ground or walk beneath, and so looped or knotted as in the judgment of the Board of Fire Commissioners shall furnish safe escape for the person or persons lodging in such room in case of fire.

801. § 10. The keeper of each building occupied as a hotel or lodging rooms, capable of accommodating fifty or more persons, shall at all times keep in his employ a night watchman constantly on duty in such building, under such regulations as may from time to time be established by the Board of Fire Commissioners.

802. § 11. For the purpose of carrying out the provisions of this chapter, there is hereby constituted a Board of Fire Commissioners, to be composed of the Mayor, Chief Engineer of the Fire Department, and the Chairman of the Fire Committee, who shall serve upon said Board without extra compensation.

803. § 12. It shall be the duty of the City Clerk to act as Clerk of the Board of Fire Commissioners without extra compensation.

804. § 13. It shall be the duty of the City Marshal to execute all orders of and to deliver all notices issued by the Board of Fire Commissioners, without extra compensation.

805. § 14. A majority of the Board of Fire Commissioners shall constitute a quorum to do business, and it shall be their duty to inspect all buildings now erected, and hereafter to inspect the plans of all new buildings before they are erected, and which are intended to be covered by the provisions of this chapter, for the purpose of ascertaining if the same are constructed and about to be constructed and arranged in accordance with the provisions of this chapter, and of the chapter providing for and regulating the construction of buildings within the fire limits.

806. § 15. Whenever upon careful examination the Board of Fire Commissioners shall find any building within the provisions of either or both chapters mentioned in section fourteen hereof, not constructed, arranged and provided as therein provided, or not conforming in all respects to the regulations established by such Board thereunder, and in like manner whenever said Board shall find that any building is about to be erected, arranged or equipped without fully conforming to all requirements of such chapter and of the Board of Fire Commissioners thereunder, such Board shall in writing notify the person or party in charge of the same of such defect or fault, and in case of a building already erected requiring the same to be so altered, changed, arranged and provided within such reasonably short time and in such manner as such Board shall therein specify; and in case of any such building about to be constructed or in process of erection, not conforming to such provisions and regulations, forbidding the further erection and completion thereof, except in accordance with the provisions of such chapters and with the regulations adopted by such Board of Fire Commissioners.

807. § 16. In case of neglect or refusal to comply with the requisitions of the Board of Fire Commissioners, as to any building already constructed and in use, for thirty days after service of notice thereof, under provisions of section fifteen hereof, such building may be by the Board of Fire Commissioners ordered closed, and so kept until the requirements of the Board are fully complied with; and every person so offending shall be subject to a penalty of not less than ten dollars for each offense, and in like manner subject to a fine of ten dollars for every additional day's failure so to comply with the requisitions of said Board after expiration of thirty days from service of notice thereof.

808. § 17. Any person, whether proprietor, contractor, lessee, or agent in charge of the construction of any building in process

of erection, who, after service of the notice provided for in section fifteen hereof, shall by himself, his servant, agent or employee proceed further in construction and erection of such building in neglect of or contrary to the requirements of such notice, shall be subject to a penalty of not less than twenty-five dollars for each offense, and the building shall not be allowed to be opened for use until full compliance with such requisitions of said Board.

809. § 18. It shall be the duty of the Chief Engineer of the Fire Department at stated times, at least twice in each year, to detail a member of said department to make a careful personal examination of each chimney and chimney flue in each building within the fire limits, and upon the spot note in writing in a book to be furnished him by the Clerk for that purpose, the date of such examination, the number and location of chimneys in each building—number of flues in each, size and construction of each chimney, stating specifically in what condition as to absolute security from danger each was found; and if defective, from what cause, and how, what changes and repairs, if any, are needed to make the same absolutely safe. Such examination shall be by blocks, commencing at the north-east corner and going round with the sun. Each report book shall be promptly returned to the Chief Engineer, who shall carefully note therein the date of its receipt and place, and keep the same on file for convenient reference. Upon receipt of such report, the Chief Engineer shall thereupon draw a list, by blocks, of all buildings so reported as needing attention, and within five days from receipt of such report the Board of Fire Commissioners shall personally examine each such building and chimney contained in the list, determining as to each, and noting upon the list what changes and repairs as to chimneys and flues each building requires, and in writing order the owner and occupant promptly to make and cause such required changes and repairs to be made, noting such order upon the list with date thereof. Failure to comply with such order within ten days after service of such order shall subject the offender to a fine of not less than ten dollars, and to a like penalty for each day's further delay.

810. § 19. Upon complaint or statement in writing by any reputable resident to the Board of Fire Commissioners that there is reason to doubt the probable safety of any building or chimney, whether already built, or in process of construction, the Board shall at once examine the same, and if they deem it unsafe or dangerous, they shall forthwith in writing notify the owner or person in charge of the same of such defect or faulty construction, stating in just what it consists and what change is

required, ordering such person or persons within some short time to be named in such order, to remedy such defect. Failure or refusal to comply with any such order within the time named therein, shall subject the offender to a penalty of not less than ten dollars for each offense, and a like penalty for each day's further delay.

811. § 20. Any person violating the provisions of sections 1, 2, 3, 5, 6, 7, 8, 9 and 10, of this chapter shall be subject to a penalty of not less than ten dollars for each offense.

CHAPTER XLIII.

RAILROADS.

Section.

1. Regulating speed of trains. Stoppage of streets, etc.; penalty.

Section.

2. Cars to be free from obnoxious smell; penalty.

812. § 1. If any railroad company, conductor, engineer, or other employee of a railroad company, or other person managing or controlling any engine, car or train, shall in the inhabited part of the city, run, or suffer or permit to be run any such engine, car or train upon any railroad track, at a speed exceeding eight miles per hour; or shall leave, or place, or permit to be left or placed, any engine or car in or upon any street, or at the crossing of the same by said railroad track, and thereby obstruct the free passage way across thereat, or in any way obstruct the same for any longer time than is reasonably sufficient by prompt and diligent attention and labor in the discharge of the business then doing or to be done by and with such engine or car, to remove the same out of the way of such crossing or street; or shall cause to be run over or injured by such engine, car or train, any hose laid across any railroad track for the extinguishing of fire; or shall, by the willful or careless use of such engine or car, or of any locomotive whistle or other alarm or noise, run upon, injure or frighten any team or animal then being rode, led or driven at or upon any street crossing, or along any street or highway, such person so offending shall be subject to a penalty of not less than ten dollars for each offense.

813. § 2. No cars which have been used for hauling stock shall be left by any railroad company upon tracks owned by them in the inhabited portions of the city without being first thoroughly cleansed and freed from all obnoxious smell. And any person or corporation violating this section shall be subject to a penalty of not less than twenty-five dollars.

CHAPTER XLIV.

RINGING OF BELLS, &c.

Section.

1. Prohibited without permission of Mayor.

814. § 1. Any person who shall, for the purposes of business or amusement, use or cause to be used any bell, horn, bugle or other sounding instrument, or who shall employ any device, noise or performance tending to the collection of persons in the streets, upon the sidewalks, or other public places in the city, without written permission of the Mayor, or who shall, without such permission, by ringing of bells, blowing of horns, bugles or other sounding instruments, call together persons or crowds at auction stores or other places of business in the city, shall, for each offense, be subject to a penalty of not less than three dollars. The Mayor shall have power to revoke, at pleasure, such permission given.

CHAPTER XLV.

SALARIES AND FEES.

Section.

1. Mayor.

Aldermen.

City Clerk.

City Treasurer.

City Assessor.

City Attorney.

City Engineer and Surveyor.

City Marshal.

Overseer of Poor.

Police Magistrate and Justices of Peace.

Section.

Superintendent of Streets.

Policemen.

Judges and clerks of election.

Commissioner of Health.

Sealer of Weights and Measures.

Inspector of Wood and Coal.

Chief Engineer.

2. Officers to report fees and compensation received.

3. Excessive fees—penalty.

815. § 1. The salaries, fees, and compensation of the city officers, and other persons rendering services to the city, when not otherwise specially provided, shall be as follows, to-wit:

The Mayor, per annum, salary, three hundred dollars.

The Aldermen, each, two dollars for each meeting actually attended by him, and no other compensation.

The City Clerk, per annum, salary, one thousand dollars.

The City Treasurer, per annum, salary, twelve hundred dollars.

The City Assessor, per annum, salary, five hundred dollars.

The City Attorney, per annum, salary, six hundred dollars.

The City Engineer and Surveyor, per annum, salary, two hundred and fifty dollars.

The City Marshal, per annum, salary, eight hundred dollars. Fees: for keeping city prisoners, each, per day of twenty-four hours, or for a less time at like rate, to be paid by the prisoner on conviction, forty cents; where such prisoner shall not be convicted of the offense for which he is imprisoned, or if convicted and the costs cannot be collected from him, then said fees shall be paid by the city to the Marshal for such keeping; and where a prisoner is arrested and committed to the city prison for any offense for which he shall be afterward convicted, it is hereby made the duty of the City Marshal to prove on the trial the amount of fees due him under this chapter for the arrest and keeping of such person up to that time, and the same shall be by the court included in the judgment against such prisoner for costs; for the service of all process or performance of other duties, the fees allowed by law in such cases, but in no case to be charged to the city when not collectible from other parties, and in no case is the city to be chargeable for fees unless so specially provided; nor shall the Marshal receive or retain fees in any case until he has paid over to the city the entire amount of the fine.

The Overseer of the Poor, per annum, salary, seven hundred and twenty dollars.

The Police Magistrate and Justices of the Peace, for monthly reports to the City Council, each, one dollar.

The Superintendent of Streets, per annum, nine hundred dollars.

Policemen, sixty dollars, each, per month.

The judges and clerks of election, such compensation as allowed by law at general elections.

Commissioner of Health, per annum, two hundred dollars.

Sealer of Weights and Measures, salary, per annum, one hundred dollars, and fees as provided in Section 6, Chapter XII., of this ordinance.

The Inspector of Wood and Coal, shall, each year, be entitled to retain, as salary, the fees of his office to an amount not exceeding six hundred dollars; and all receipts of his office in excess of such salary shall be paid by him into the city treasury as provided by ordinance.

Chief Engineer of Fire Department, per annum, two hundred and fifty dollars.

816. § 2. All salaries herein fixed and provided for shall be payable on the express condition that each officer claiming payment of his salary, shall make a detailed report to the City Council of all fees and compensation received by him, by virtue of such office, or for the discharge of any of the duties of such office.

817. § 3. Any person under this ordinance entitled to charge and receive any fees, who shall demand or receive any greater sum than he is entitled to under the provisions hereof, shall, where no other penalty is specially provided, be subject to a penalty of not less than ten dollars.

CHAPTER XLVI.

SCAVENGERS.

Section.

1. Districts.
2. Appointments.
3. Collecting garbage, etc.—place of deposit—penalty.
4. Kind of vehicle—bond.
5. Compensation.

Section.

6. Garbage, etc., to be placed convenient for removal, etc.
7. Depositing garbage, rubbish, etc., in street.
8. City Scavenger only to remove garbage—exception—water-tight vehicle.
9. Penalty.

818. § 1. For the purpose of collecting garbage and ashes in the city of Galesburg, the said city is hereby divided into two districts, the first district to be composed of all that portion of the city lying north of the centre of Main street; the second district to consist of that portion lying south of the centre of Main street.

819. § 2. At the first meeting of the Council after the election in each year, or as soon thereafter as may be, the Mayor shall appoint, with the advice and consent of the City Council, one suitable person for each district to be known as day scavenger; and to act as such during the current year, and until his successor shall be appointed and qualified.

820. § 3. It shall be the duty of each day scavenger to visit every building in his district, three times in each week, from the 1st of April to October 1st, and twice a week the remaining six months, and collect all garbage, ashes, and house dirt. This garbage, ashes and debris, shall be carted to such place or places as the Board of Health may direct, and it is strictly forbidden to deposit such garbage, ashes or debris in any place except where the Board of Health may direct, under a penalty of not less than one dollar for each offense.

821. § 4. Each day scavenger shall, before entering upon the duties of his office, provide himself with a water-tight, close box or vehicle, so arranged as to prevent escape of liquids and offensive odor therefrom in conveyance of garbage through the streets, by him and those under him; and likewise file with the City Clerk a bond in the penal sum of two hundred dollars, with at

least one responsible surety, approved by the Mayor, and conditioned for the faithful performance of his duties as such scavenger under the provisions of any and all city ordinances in force during his term, and that he will comply with such rules and regulations as may from time to time be prescribed by the Board of Health.

822. § 5. Each day scavenger shall receive for his services the sum of fifteen dollars a month from the first day of April to the first day of December in each year; and ten dollars a month from the first day of December to the first day of April following.

823. § 6. The owner of or person occupying, every dwelling, shall on each morning when the scavengers call, put his or her garbage and ashes in some convenient place for them to be removed, the garbage and ashes to be kept in separate boxes or barrels, and the one containing garbage to be water-tight.

824. § 7. It shall be unlawful for any person to throw or lay any ashes, offal, vegetables, garbage, cinders, shells, shavings, dirt, old hoops or rubbish of any kind, in any street, lane, alley or public place in the districts described in section one of this chapter. It shall also be unlawful for any person to turn or upset any tub, box, barrel or other vessel containing garbage or ashes, thereby spilling the contents on any street, lane, alley, or public or private property.

825. § 8. It shall be unlawful for any person to gather up and take away any slops or garbage from any house or premises not occupied by himself or his employers, without first having been appointed so to do as heretofore provided. It shall in like manner be unlawful for any person to remove any garbage either from his own or another's premises through the streets or alleys of the city in any other than a close water-tight vessel or vehicle.

826. § 9. The violation of any of the provisions of sections seven or eight of this chapter shall be declared a misdemeanor, and the person so violating shall, on conviction, be fined not less than one dollar for each offense and costs of prosecution.

CHAPTER XLVII.

SETTLEMENTS OF OFFICERS.

Section.

1. Officers failing to pay over funds.
2. Notice, etc., to defaulter.
3. Finance Committee to supervise accounts of officers.

Section.

4. Annual reports of officers.
5. Finance Committee to settle with officers.
6. Fiscal year.

827. § 1. Whenever any city officer shall neglect or refuse to pay over any moneys, or to make proper settlement of his accounts, or of any claim of the city placed in his hands for collection as required by ordinance, or whenever upon the adjustment of the account of any city officer, any moneys shall be found due by him to the city, and the same shall not be paid immediately into the city treasury, and the Treasurer's receipt therefor filed with the City Clerk, the City Clerk shall forthwith report such officer, with an abstract of his account, to the City Council.

828. § 2. Notice thereof shall be given to such officer, and to his sureties, by the Mayor, and unless such account be rendered and the amount due paid within ten days after such notice, suit shall be brought on his official bond for the amount with which he stands charged, or such other measures taken as will secure the city from loss. An abstract of the account of such officer, certified to by the City Clerk, under the corporate seal, shall be delivered to the City Attorney.

829. § 3. The Committee on Finance shall prescribe the manner in which the books and accounts of all city officers shall be kept, in order to establish uniformity therein. They shall, at least quarterly, examine the books, accounts and papers of all city officers, and see that they are properly, regularly and neatly kept and preserved, and that the books, accounts and papers belonging to the offices of the Clerk, Treasurer and Assessor, are secure from loss or accident by fire; and they shall report to the City Council any neglect or refusal on the part of any city officer to keep his books or accounts properly, or to preserve any papers pertaining to his office.

830. § 4. Every city officer, not required by the general incorporation act so to do, shall annually, as soon as practicable, after the close of the fiscal year, report to the City Council, a complete statement of the transactions of his office for the preceding year.

831. § 5. The Committee on Finance shall make settlement with all city officers at the expiration of their terms of office, and

report the same to the City Council. If they shall be unable to make settlement with any officer, they shall state the fact, and the causes which prevent such settlement.

832. § 6. The fiscal year of the city shall commence on the first day of April in each year.

CHAPTER XLVIII.

SIGNS AND AWNINGS.

Section.

1. Manner of construction.
2. Penalty for constructing contrary to this chapter.
3. Dangerous awnings declared nuisances—removal.

Section.

4. Signs across streets and sidewalks—removal.
5. Removal, etc., of signs—penalty.

833. § 1. All awnings over any sidewalk in the city shall be set not less than seven feet above the sidewalk, and securely supported by iron brackets, or by an iron framework, firmly attached to the building, so as to leave the sidewalk wholly unobstructed; and no awning shall project over the sidewalk to exceed three-fourths of the width thereof.

834. § 2. Whoever shall erect, or cause to be erected, any awning, contrary to the requirements hereof, or shall suffer or permit any awning in front of any premises owned or occupied by him to be in such condition as to be insecure, or dangerous to the safety of persons passing under the same, shall be subject to a penalty of not less than five dollars.

835. § 3. Any awning which may be constructed contrary to the provisions hereof, or which shall not be removed or made to conform to the requirements hereof, after ten days' notice, as herein required, or which shall be in such condition as to be insecure, or dangerous to the safety of persons passing under the same, is hereby declared a nuisance, and the Marshal shall remove, or cause the same to be removed, and the costs of such removal may be collected from the owner of such awning, or persons using the same, or causing it to be erected, and be recovered by suit in the name of the city before any court having jurisdiction.

836. § 4. No permanent sign or fixture of any kind, whether box, board, flag, or other thing, shall be constructed or suspended across any of the streets or sidewalks, nor shall the same extend more than three feet from the wall of the building where such sign is placed, and no temporary sign or flag shall be placed or suspended over a street or sidewalk to the inconvenience of persons

or frightening of animals; and all such temporary signs or flags thus suspended or placed shall be immediately removed on request of the Mayor or any police officer.

837. § 5. Any sign, sign-board or other sign-fixtured already erected or placed, and not in accordance with this chapter, shall be removed or made conformable to this chapter within five days after notice thereof by the City Marshal; and it is hereby made the special duty of the City Marshal to give such notice without delay to all persons who have erected, or shall hereafter erect or place, any sign contrary to this chapter; and for any violation of any provision of this chapter the party offending shall be subject to a penalty of not less than five dollars, and also a further penalty of one dollar per day for every day the same shall remain after notice to remove it.

CHAPTER XLIX.

SPECIAL ASSESSMENTS.

Section.

1. Collector to report delinquent list.

838. § 1. It shall be the duty of the collector of taxes for the city and town embraced within the limits of the city of Galesburg, at the time when the general tax books are returned to the County Collector each year to make to the County Collector a report in writing of all lands, town lots and real property on which he shall have been unable to collect special assessments—said report to be made in manner and form as provided by law.

CHAPTER L.

STREETS AND SIDEWALKS.

Section.

1. Obstructing streets, alleys, sidewalks; penalty.
2. Obstructions in streets. Dangerous openings, etc.; penalty.
3. Openings in sidewalks to be covered.
4. Prohibiting excavations in streets, etc.; penalty.
5. All damage by excavation, etc., to be repaired by offender.
6. How streets to be protected in case of excavation.
7. Encroachment upon streets prohibited.

Section.

8. Superintendent of Streets to remove obstruction.
9. Prohibits stopping of teams in streets, etc.
10. Prohibits throwing of ashes or rubbish in streets; penalty.
11. Changing corner stone or grade stake; penalty.
12. Sidewalks to be kept free from water; penalty.
13. Obstructing streets with animals; penalty.

839. § 1. No builder or other person shall encumber or obstruct any street, alley or sidewalk, with building material or other things, without a written permit from the Mayor; nor, except in cases of urgent necessity and for a reasonable time, obstruct more than one-third of any street or alley, or one-half of the sidewalk, nor continue the same longer than necessary in the diligent erection of such building, or the prosecution of the work on hand; nor shall any person, without like permit, remove, cause to be removed, or aid in removing any building through or across any street or alley; nor in making any such removal encumber or obstruct any street, alley or sidewalk, for a longer time than necessary in the diligent removal thereof; and for a violation of any of the provisions of this section the party offending shall be subject to a penalty of not less than ten dollars.

840. § 2. No person shall place, throw or leave, or cause so to be done, any obstruction or incumbrance, not otherwise allowed by ordinance or permit from an authorized officer, in any street, alley or sidewalk, or dig or remove any earth from any street or alley, without written consent of the Superintendent of Streets; nor obstruct or encumber any street, alley or sidewalk, with merchandise, fuel, or other articles of property longer than necessary for the diligent removal of the same, nor leave open any cellar, cellar door, vault, well, cistern, excavation, ditch, coal hole or other like hole, where persons or animals passing by shall be liable to fall in, or suffer damage, without carefully guarding such place against such accidents, or shall leave open the said places after night, and any person violating the provisions of this section shall be subject to a penalty of not less than five dollars.

841. § 3. Every opening in any vault or coal hole, or aper-

ture in the sidewalk over said coal hole or vault, shall be covered with a substantial iron plate with a rough surface so as to prevent accident, and the entire construction of such holes or vaults and coverings therefor shall be subject to the approval and direction of the Superintendent of Streets.

842. § 4. No contractor of public works, or of private buildings, or other person not authorized by ordinance, shall make any excavation in any street, alley or sidewalk, without written authority from the Mayor or Superintendent of Streets, nor remove or tear up any sidewalk, crossing, culvert, or bridge; and when any such excavation is made, or such sidewalk, bridge, crossing, or culvert is opened with proper leave, it shall be carefully guarded and speedily restored, or rebuilt, so that persons and animals passing along, and on the same, shall be secure against accident and inconvenience; nor shall any person without written permit from the Superintendent of Streets or Mayor, tear up any planked or paved sidewalk, crossing, bridge or culvert, for any purpose, and for a violation of any of the provisions of this section the party offending shall be subject to a penalty of not less than five dollars.

843. § 5. Any person who shall make any excavation in any street, alley, or sidewalk, or who shall tear up any planked or paved street, alley, sidewalk, crossing, bridge or culvert, for any purpose, or shall negligently break or injure the same, shall without delay, cause such planked or paved street, alley or sidewalk, crossing, bridge or culvert, to be repaired and placed in the same condition as before the breaking or injuring thereof, and when necessary, from time to time, to continue to repair the same by refilling until the earth is fully settled, and the repairs made complete, and for a failure or refusal to comply with the requirements of this section such person shall be subject to a penalty of not less than five dollars, besides all the expenses and costs required by the Superintendent of Streets to make such repairs because of such failure or refusal.

844. § 6. Whenever any owner or occupant of any lot shall cause or permit any excavation to be made on such lot sufficiently near the street line to endanger such street by liability to caving of the ground, it shall be the duty of such owner or occupant, immediately to construct a solid and substantial wall, sufficient for the protection of such street from such liability. Any person who shall neglect to conform to the provisions of this section shall be held responsible for all damage done to the street, the result of such neglect, and shall be subject to a penalty of not less than ten dollars.

845. § 7. No person shall make, or cause to be made any

fence, building or other structure, encroaching in whole or in part upon any street, alley or sidewalk. The Superintendent of Streets, when it shall come to his knowledge that any person has made or caused to be made any such structure so encroaching upon any street, alley or sidewalk, shall notify such person to remove the same, which notice shall be a reasonably sufficient time to perform such removal. Any violation of the provisions of this section shall subject the party offending to a penalty of not less than ten dollars for every day he shall suffer the same to remain after such notice by the Superintendent of Streets to remove such structure.

846. § 8. Upon the failure of the party so notified to remove such obstruction, the Superintendent of Streets shall cause any such incumbrance, obstruction, erection or enclosure in or upon any street, alley or sidewalk to be removed, and the costs of such removal may be collected from the person causing such obstruction, with the penalty, or in a separate suit, in the name of the city.

847. § 9. Whoever shall obstruct any street, alley or street crossing, by unnecessarily stopping thereon with any team, vehicle, animal or other thing, or leave any team, vehicle, car, wagon or animal in the street or alley before or beside any occupied premises, contrary to the wishes of the occupant thereof, and shall not immediately remove the same on request of the person aggrieved, or being owner or driver of any wagon, dray or other vehicle, shall make a permanent stand or place of stopping in front of any premises without the consent of the owner or occupant thereof, or shall lead, ride or drive any team or beast, or drive, or push any sleigh, carriage or other vehicle, over or upon any paved or planked sidewalk, except at the proper entrances to and from the premises, shall be subject to a penalty of not less than five dollars.

848. § 10. Whoever shall throw or deposit any ashes or dirt upon the graveled streets, or place or leave any waste paper, show-bill or paper torn from the bulletin boards, or any dead dog, cat, pig, or any other like offensive thing, or any rubbish of any kind whatever, in or upon any street, alley or sidewalk, or shall knowingly suffer it to be done in front of or adjoining any premises owned or occupied by him, or under his control, and any person owning or occupying any house or lot fronting upon any street in this city, who shall allow may-weed, or grass or weeds of any kind to grow between the front of their premises and the middle of the street, to the inconvenience of persons passing, or to the detriment of the public health, shall be subject to a penalty of not less than one dollar, and a like penalty for every hour

any of the articles are suffered to remain after notice by the Superintendent of Streets to remove the same.

849. § 11. Whoever shall purposely change or remove any stake, post or stone, placed or set to designate the corner or line of any lot or land, street or alley, or to show the grade of any street, alley or sidewalk, shall be subject to a penalty of not less than five dollars.

850. § 12. It shall also be the duty of any person owning or occupying any building, or having the care or control thereof, from which the water may fall to the sidewalk in front thereof, to provide for the escape of such water, so it shall not spread over the sidewalk. Whoever shall violate any provision of this section, shall be subject to a penalty of two dollars, and a like penalty for each day he shall neglect to remedy the same, after notice by the Superintendent of Streets.

851. § 13. Whoever shall obstruct any street, alley or public ground, by stopping, herding or feeding any herd or drove of swine, cattle, sheep, horses, mules, or like animals thereon, shall on conviction, be subject to a penalty of not less than three dollars.

CHAPTER LI.

SEAL.

852. § 1. The seal heretofore provided and used by and for the city of Galesburg, the impression on which is a representation of Knox College building and the words, "The City of Galesburg," shall be and is hereby established and declared to have been and now to be the seal of the city of Galesburg.

CHAPTER LII.

SUNDAY.

Section.

1. Keeping open place of business on; penalty, etc.; exception.

Section.

2. Playing at games, etc., upon; penalty

853. § 1. It shall be unlawful for any person in this city, on the first day of the week, commonly called Sunday, to engage in any ordinary labor, trade or business, or to keep open any house

of trade, shop, saloon, store, grocery or restaurant, or any place of business or amusement, or to sell or traffic in any article, and any person convicted of any of the offenses enumerated in this section, shall be subject to a penalty of not less than five dollars. *Provided*, that this section shall not be construed to prohibit works of necessity or charity.

854. § 2. It shall be unlawful for any person or persons in said city, on the first day of the week, commonly called Sunday, to disturb the peace and good order of the city by engaging in the amusements or exercises of dancing, jumping, skating, running horses, playing at ball, ten-pins, billiards, cards, marbles or other games, wrestling, boxing, pitching quoits, hunting, or any amusements or exercises of like nature; and every person convicted of any of the offenses enumerated in this section, shall be subject to a penalty of not less than three dollars. *Provided*, that this chapter shall not be construed to prevent the due exercise of the rights of conscience by whomever thinks it proper to keep any other day as the Sabbath.

CHAPTER LIII.

TREES AND HEDGES.

Section.

1. Planting trees along sidewalks.
2. Shade trees to be kept trimmed.

Section.

3. Osage hedges prohibited.

855. § 1. All shade or ornamental trees, hereafter to be set along any street, shall be planted not less than eight feet from the front line of the lots. Whoever shall plant any tree contrary to this section, shall be subject to a penalty of one dollar for each tree so planted, together with the costs of the removal thereof, and the Superintendent of Streets shall cause such trees to be removed.

856. § 2. All trees shall be kept trimmed up by the owner or occupant of the premises in front of which they stand, so as to allow a safe, convenient and unobstructed passage of all persons along the sidewalk or in the street, and all trees within the lamp district shall be kept trimmed above the lamps so as not to obstruct the light, and if the owner or occupant of the premises before which such trees stand shall, after due notice by the Superintendent of Streets, neglect or refuse to trim such trees, the Superintendent of Streets shall cause the same to be done, and the party

so refusing or neglecting shall pay all costs of such labor, together with a penalty of one dollar for each tree, to be recovered as other penalties.

857. § 3. No person shall hereafter plant or grow any Osage orange or other thorny hedge along any street or alley line within the city so that it shall in any degree overhang any sidewalk, and it shall be the duty of the owner or occupant of any lot or ground having an Osage orange or other thorny hedge next a sidewalk, street or alley, to keep the same well trimmed and clean, free from all obstruction to the sidewalk, alley or street, and all thorny trimmings or brush removed or destroyed, so as to be wholly out of the way of those passing along such street, alley or sidewalk, either on foot, or by teams and wagons, or other vehicles. And every person offending against the provisions of this section shall be subject to a penalty of not less than twenty dollars, together with all the costs and expenses incurred by the Superintendent of Streets in and about the trimming of such hedge, or the destruction of the brush or trimmings thereof, and said Superintendent of Streets is hereby required to give due notice to such party so required to keep such hedge in order, and on his failure to attend to the same, said Superintendent of Streets shall do so.

CHAPTER LIV.

TRESPASS.

Section.

1. General trespass.

Section.

2. Posting bills, etc.

858. § 1. Whoever shall willfully, maliciously or negligently break, deface, destroy, remove, trespass upon or otherwise injure any public or private property shall, on conviction, be subject to a penalty of not less than two dollars.

859. § 2. Whoever shall, without the consent of the owner, occupant, or person or corporation having control of the premises, paint, post, put up, stick or place any advertisement, hand-bill, placard, show-bill, circular or other notice or matter, upon any building, tree, box, fence, sidewalk, lamp-post, or awning, or shall mark, cut or scratch, or otherwise deface, any fence, or any part of any building, or other property, shall be subject to a penalty of not less than two dollars.

CHAPTER LV.

VAGRANCY

Section.

1. Vagrants described.
2. Arrest of vagrants—penalty.

Section.

3. Gaming instruments, etc, found in possession—destruction of.

860. § 1. The following named and described persons shall be, and they are hereby declared to be vagrants, and they shall be arrested and punished as such in the manner hereinafter provided, to-wit :

First—All persons in said city able to support themselves in some honest and respectable employment, calling or business, and not having visible means to maintain themselves, and who live idly and without lawful employment or business, or who shall be found loitering or strolling about, frequenting places where liquor of any kind is sold, drank or kept, or staying at or lodging in dram-shops, tippling-houses, beer-houses, eating-houses, or houses of ill-fame, or market-places, ten-pin alleys, billiard rooms, sheds, stables, or in the open air, either during the day time or night.

Second—All persons in said city able to support themselves in some honest or respectable calling or business, and who, instead thereof, lead an idle, immoral or profligate course of life; and all persons in said city who shall be found trespassing upon the private premises of other persons, and not giving a good account of themselves, or who shall be found wandering abroad and from place to place in said city, begging, or placing themselves in the streets or other thoroughfares, or in public places, to beg or to receive alms.

Third—All persons who are gamblers, pickpockets or prostitutes, who travel about through the city by day or night, or frequent or remain at gambling houses, houses of ill-fame or places where liquor is sold, drank or kept; or who remain on railroad cars or other places, and travel about from place to place, not following any lawful employment or business.

Fourth—All persons upon whom or upon whose premises shall be found any gambling apparatus or device used for the purposes of gambling, or any slung-shot, colt, or knuckles of lead, brass or other metal, or any instrument, composition or thing, used for the commission of burglary, arson, or for the picking of locks or pockets, or for the playing of any fraudulent trick or games, or for the manufacture of counterfeit money, or for the commission of any unlawful act, and who cannot give a good and satisfactory account of their possession of the same.

861. § 2. It shall be the duty of the Police Magistrate, or any Justice of the Peace of the city of Galesburg, on complaint under oath, made by any citizen thereof, to issue a warrant for the arrest of any or all such persons as are described in the foregoing sections, which warrant shall be placed in the hands of some officer of said city authorized to make arrests, who shall thereupon make the arrest of such person or persons as aforesaid, and take him or them before a magistrate of said city for trial; and every person deemed guilty and convicted of vagrancy under this chapter, shall forfeit and pay any sum not less than five dollars, and the costs of such proceeding, and in default of payment thereof such person so convicted may, upon the order of the court or Magistrate before whom the conviction is had, be committed to the city prison until such fine and costs are fully paid: *Provided*, that such person so convicted may, by the City Marshal, be required to work at such labor as his strength will permit, within and without such prison, not to exceed ten hours each working day; and for such work the person so employed or worked shall be allowed, exclusive of his board, the sum of fifty cents for each day's work on account of such fine and costs.

862. § 3. It shall be unlawful for any person to have in his possession or control, any gaming table, check, implement, instrument or device, set up or used for the purpose of gaming, or any slung shot, colt, knuckles, implement, instrument, composition or device used for the purposes of counterfeiting, lock-picking, pocket-picking, confidence game, or for the commission of burglary or arson, or any implement or device used by cheats or swindlers for unlawful purposes, with intent to use, or permit any person to use the same in gaming, counterfeiting, lock-picking, pocket-picking, practising the confidence game, house-breaking, commission of burglarly, cheating or swindling, or other unlawful act. Any person so found in possession of any one of the implements, instruments, or devices aforementioned, and failing to give a good and satisfactory account of his possession thereof, may be arrested by the City Marshal, or any policeman, and together with any such implement, instrument or device, taken before the Police Magistrate or any Justice of the Peace of the city, whereupon complaint shall be made that such person was so found in possession of such implement, instrument or device, contrary to the provisions of this chapter, and a warrant shall issue against such person for such alleged offense, and, upon conviction, he shall be fined not less than one hundred dollars, and it may be made a part of the judgment that such implement, instrument or device shall be destroyed by the Marshal or any policeman under the supervision of the Mayor.

CHAPTER LVI.

WOODEN BUILDINGS.

Section.

1. Limits.
2. What are wooden buildings.
3. When damaged by fire, etc.
4. Extent of damage—how determined.

Section.

5. Penalty for erecting.
6. Removing.
7. Wooden buildings not to be removed—penalty.

863. § 1. No wooden building shall be erected or placed upon any lot or ground included in either one of the following blocks, viz: Blocks numbered 15, 16, 17, 18, 19, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33; and any person who shall violate this section shall, on conviction, be subject to a penalty of not less than fifty nor more than one hundred dollars.

864. § 2. The term “wooden building,” used in the first section of this chapter, shall be understood to embrace and mean all buildings or additions to buildings, tenements, houses, out-houses, sheds, stables, and structures of every description, the outer walls of which are in whole or in part constructed or built of wood, whether the roofs of the same shall rest upon the walls thereof, or upon wooden, iron, stone or brick uprights, posts or pillars, and that all sheds, or other structures, the roofs of which shall be supported, directly or indirectly, by wooden posts, or other fixtures made in whole or in part of wood, be the same inclosed or not, are hereby declared to be within the meaning of the term “wooden buildings,” as used in the first section of this chapter: *Provided*, that privies, designed and used exclusively as such, do not come within the provisions of this chapter.

865. § 3. No wooden building, within the limits prescribed in the first section of this chapter, which may be damaged hereafter, by fire, decay or otherwise, to the extent of fifty per centum of the value thereof, shall be placed, repaired or rebuilt, nor shall any such building, when the damages are less than fifty per centum on its value, be so repaired as to be raised higher than the same was in value before the damages shall have been sustained, or so as to occupy a greater space than before the injury thereto.

866. § 4. The amount or extent of damages that may be done to any building, shall be determined by three disinterested persons residents of said city, one of whom shall be selected by the owner or agent of the building, the second by the Mayor of the city, and the two thus chosen shall select a third, and the decision of the persons so appointed shall be in writing, and shall be final and conclusive, and shall be filed in the office of the City Clerk.

867. § 5. Every person who may be duly convicted of the erection or placing, repairing, rebuilding, or attempting to repair or rebuild, any wooden building within the purview and meaning of this chapter, and in violation of the provisions of this chapter shall, within five days after such conviction, cause such wooden building, for the erection or placing of which he may be convicted as aforesaid to be removed; and on failure, neglect or refusal so to do, he shall be fined not less than ten nor more than one hundred dollars for each day such wooden building shall be suffered to remain after the said five days from and after such conviction as aforesaid.

868. § 6. When any person shall be convicted as aforesaid, and such wooden building shall not be removed within the said five days after such conviction, as provided in the fifth section of this chapter, it shall be the duty of the Mayor to issue to the Marshal of said city a certificate, under his hand and the seal of said city, stating the fact and the time of said conviction, and designating the building for which such conviction may have been had, and such certificate shall be a sufficient warrant to the Marshal of said city, and it is hereby made his duty to cause such building to be removed and demolished, and the costs and expenses thereof shall be recovered by action of debt, in the name of said city, of and from the person or persons so convicted of erecting the same as aforesaid.

869. § 7. Wooden buildings now within the limits prescribed in this chapter shall not be moved from their present location to any other spot or place within the prescribed limits, without subjecting the party so moving, or directing such removal, to a penalty of not less than twenty dollars in addition to the other remedies given by this chapter for abating the same.

CHAPTER LVII.

WOOD AND COAL

Section.

1. Wood, coal, etc., to be inspected and weighed.
2. City Inspector to keep frame, etc., for measuring wood.
3. Prescribing kind of racks for wood hauling.
4. Wood and coal to be sold on day of certificate; penalty.

Section.

5. Changing weight of load after certificate; penalty.
6. Private contracts of wood and coal in large quantities excepted; further exceptions.
7. Loaded teams to remain at wood yard; penalty.

870. § 1. It shall not be lawful for any person within said city to sell or deliver any hay, wood or coal, without the same being first weighed or measured by the City Inspector at the "City Wood and Coal Yard." The City Inspector shall thereupon give to such person a certificate of the weight or measure thereof, which certificate shall be delivered by the seller to the purchaser at the time of sale, and when such hay, wood or coal is paid for; and any person selling and delivering any hay, wood or coal (except as hereinafter provided), without having and so delivering such certificate shall be subject to a penalty of not less than five dollars.

871. § 2. The City Inspector shall provide and keep at the city wood and coal yard a frame for the purpose of measuring wood, which frame shall be made of durable material, and of such size as to hold exactly one cord of wood.

872. § 3. Every person who shall haul or be engaged in the business of selling wood, in this city, by the cord or aliquot portions thereof, shall use a rack with perpendicular posts, so that the number of cubic feet in such load can be easily and correctly ascertained by the City Inspector; and if any load of wood shall be offered for sale within the city without such rack with perpendicular posts at the sides and corners thereof, the person so offering it shall be obliged by the City Inspector to unload the wood in the rack mentioned in the preceding section, and if he fail so to do, a certificate shall be refused him by the City Inspector.

873. § 4. No person shall sell any load of coal, wood or hay, on any other date than the one named in the certificate therefor; and if for any reason he has been unable to sell such load on the day such certificate was obtained, he shall obtain a new certificate from the City Inspector, which certificate shall be granted without extra charge; and any person violating this section shall be subject to a penalty of not less than five dollars.

874. § 5. No person shall, after obtaining any certificate as

herein provided, or any certificate of weight from any sealer as hereinafter provided, throw off any portion of his load and not deliver the entire portion thereof to the purchaser; and any person violating this section shall be subject to a penalty of not less than ten dollars.

875. § 6. The preceding sections shall not apply to sales of wood in quantities exceeding one cord to any person, where the same is piled and measured at his residence or place of business; nor to sales of hay and coal to owners of private scales, nor to sales of wood and coal by fuel merchants who reside in the city and weigh on their own scales; nor shall this chapter apply to cases where coal is sold on contracts for future delivery, in quantities exceeding one load, and scales other than the public scales are expressly agreed on by the parties to the contract. *Provided*, however, that in all cases of sales of coal to the city it shall be weighed upon the city scales, and the exceptions in this section shall not apply.

876. § 7. Teams loaded with wood or coal shall not be allowed to remain at rest waiting for examination, except at the city wood and coal yard, and any owner or driver of any team who violates the provisions of this section shall be subject to a penalty of three dollars for each offense.

CHAPTER LVIII.

CONSTRUCTION OF ORDINANCES.

Section.

1. Force and effect of a repealing ordinance.
2. Rights and liabilities under ordinance after its repeal.
3. Construction as to number, gender and person.
4. Manner of construing ordinances which conflict.
5. Meaning of court, month, oath, reasonable notice, &c.
6. Power and duty of Mayor, Marshal and policemen.

Section.

7. Construction of general terms and phrases.
8. Penalty under two sections; recovery under one a bar.
9. Ordinances to be published and recorded.
10. Preservation of original ordinances; correction of clerical mistakes.
11. Effect of publication; when not required.

877. § 1. When any ordinance, or a part of any ordinance, shall be repealed or modified by a subsequent ordinance, the ordinance or part of ordinance thus repealed or modified, shall continue in force until ten days after the due publication of the ordinance repealing or modifying the same, when such publication

shall be necessary to give effect to such ordinance, unless it shall be therein otherwise expressly provided. No ordinance, or part of any ordinance, repealed by another ordinance, shall be revived by the repeal of the repealing ordinance, unless it shall be therein so expressly provided.

878. § 2. No fine, forfeiture, penalty, right, action, suit, debt, or other liability whatever, created, instituted, incurred or accrued by or under any ordinance prior to its repeal or modification, shall be released, discharged, annulled, repealed or in anywise affected by the passage of such repealing or modifying ordinance; but the same may be prosecuted, recovered or enjoyed, or any suit or other proceeding be commenced or completed thereon, as fully and in the same manner, in all respects, as if such ordinance or part thereof had remained in full force, unless it shall be otherwise expressly provided in the ordinance making such repeal or modification.

879. § 3. When, in any ordinance, words importing the singular number are used, in reference to any person, or subject matter, such words shall be deemed to extend to and embrace several persons, matters or subjects; and words used collectively, or importing the plural number, shall be deemed to extend to and embrace any singular person, matter or subject, as well as several; and when any person, or subject matter, shall be named, referred to, or described by words importing the masculine gender, or by general terms, females as well as males, shall be deemed included in the meaning and terms thereof; and the words "person" or "persons," or words importing any person or persons, shall be deemed to include corporations as well as individuals.

880. § 4. When the provisions of different ordinances, or of the different portions of any ordinance, conflict with or contravene each other, the provisions and requirements of each ordinance or chapter, shall prevail as to all subjects, matters and questions arising out of or embraced within the subject-matter thereof. But if different or conflicting provisions be found in different sections of the same ordinance, the provisions of the section which is last in numerical order shall prevail, unless such construction would be repugnant to or inconsistent with the meaning of such ordinance or chapter.

881. § 5. The word "court," when used in any ordinance, shall be construed to mean any court of competent jurisdiction, whether Police Magistrates' court, Justice of the Peace, or court of record. The word "month," when used in any ordinance, shall be construed to mean a calendar month, and the word "oath" shall be deemed to include an affirmation, and the word "sworn" to mean sworn or affirmed. When in any ordinance any act

shall be required to be done within a "reasonable time," or upon a "reasonable notice," such reasonable time, or reasonable notice, shall be deemed to mean such time only as may be necessary in the prompt execution of such duty or compliance with such notice.

882. § 6. When any duty shall be required of, or power vested in the Mayor, the same shall be deemed to extend to and embrace, and may be exercised by the acting Mayor also; and when any duty shall be required of, or power vested in the City Marshal, the same shall be deemed to extend to and to embrace, and may be exercised by policemen, unless such construction would be contrary to the terms of the ordinance, or in derogation of the city charter.

883. § 7. The rules of construction herein prescribed shall apply in all cases, unless it shall be otherwise specially provided in the ordinance, or unless there be something in the subject-matter, or context thereof, repugnant to such construction. And all general terms, provisions, phrases, or expressions, used in any ordinance, shall be liberally construed, in order that the true meaning and intent of the City Council may be carried out.

884. § 8. When any fine or penalty shall be imposed by different ordinances, or by different chapters, articles, sections or clauses of the same ordinance, for the same offense, the officer or person prosecuting may choose under which ordinance, chapter, article or section to proceed, and a recovery under the same shall be a bar to further proceedings, under any other provision, for the same offense.

885. § 9. All ordinances passed by the City Council shall be enrolled by the City Clerk in the record book of ordinances, and shall be properly indexed by their titles and subjects; and he shall, without delay, cause any ordinance appropriating money, imposing any fine, penalty forfeiture, or imprisonment for a violation of its provisions, to be published once in the newspaper authorized to publish the ordinances of the city, with his certificate under the corporate seal attached, that the same is a "true and authentic copy of the original ordinance, and that it is printed and published by authority of the City Council." He shall note the fact of publication, the time when, and the newspaper in which published, on the margin of the record of each ordinance.

886. § 10. The City Clerk shall file and preserve the originals of all ordinances in his office, and he may correct any errors in the numbering of any chapter or section of any ordinance, and insert the proper numbers; and he may omit words inserted, or supply, with brackets, words omitted by clerical mistake. He

shall attend to the printing of all ordinances requiring publication, or ordered to be published, and see that they are correctly and properly printed and published.

887. § 11. All ordinances passed by the City Council, and by the city charter requiring publication, shall take effect ten days after the due publication thereof, unless it shall be therein otherwise expressly provided. All ordinances not so requiring publication shall take effect and be in force from and after their passage, unless it shall be therein otherwise expressly provided.

CHAPTER LIX.

REVISION OF ORDINANCES.

Section.

1. Style of ordinance. Repeal no bar
to suit, etc.

Section.

2. When take effect.

888. § 1. The foregoing shall constitute and be denominated "The Revised Ordinances of the City of Galesburg," and shall be published in book form, properly arranged and divided into chapters, articles and sections, and properly indexed; and when so published, shall be received in all courts and places without further proof. All public or general ordinances, or parts thereof, not included herein, are hereby repealed so far as they conflict, or are inconsistent with the provisions hereof, so far only as shall relate to offenses committed from and after the taking effect hereof; but no fine, forfeiture, penalty, right, action, suit, debt, or other liability whatsoever, created, instituted, incurred or accrued, by or under the same, shall be released, discharged, annulled, repealed or in anywise affected, but may be prosecuted, recovered or enjoyed, or any suit or other proceeding, be commenced or completed thereon, as fully and in the same manner in all respects as if such ordinance or part thereof had remained in full force.

889. § 2. This ordinance shall take effect and be in force from and after its passage.

Passed April 30, A. D. 1883.

Approved May 1, A. D. 1883

Published by the authority and order of the City Council of the City of Galesburg, Illinois, May 2, A. D. 1883.

CERTIFICATE OF AUTHENTICATION.

STATE OF ILLINOIS, }
CITY OF GALESBURG, } ss.

I, W. A. Ryan, City Clerk of said city, hereby certify that the foregoing ordinance is a true copy of an Ordinance in Revision of the Ordinances of the City of Galesburg, passed by the City Council of said city at a meeting held on the thirtieth day of April, A. D. 1883, duly approved by the Mayor of said city, on the first day of May, A. D. 1883, and now in force, the original of which ordinance is on file and duly recorded in the office of said City Clerk; and that said ordinance is herein published by authority of the City Council of said city.

In testimony whereof I have hereunto set my hand and affixed
the seal of said city this first day of May, A. D. 1883.

[SEAL.]

W. A. RYAN, City Clerk.

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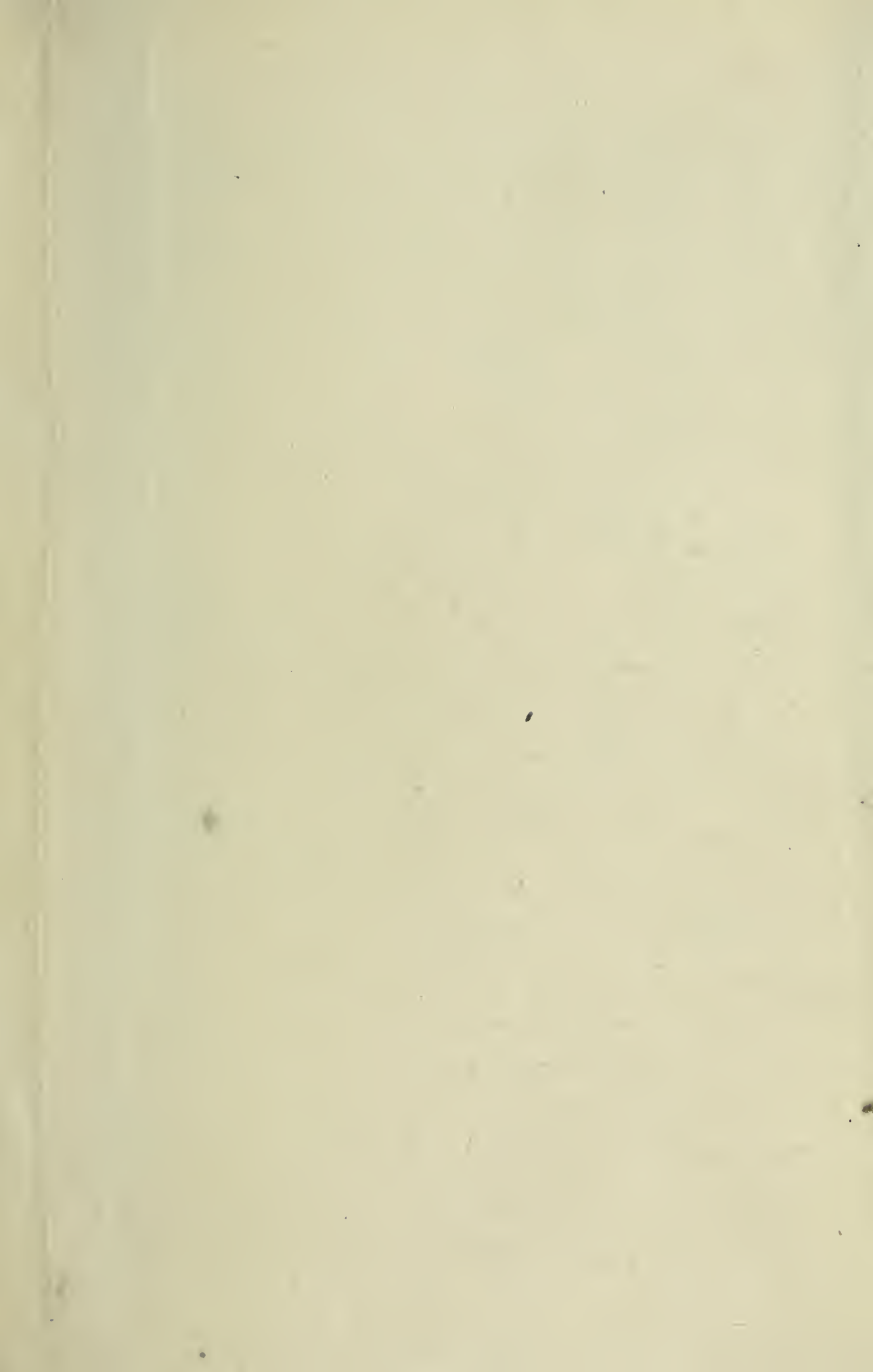
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